

ADMISSIONS AND CONTINUED OCCUPANCY POLICY

This Admissions and Continued Occupancy Policy defines the Edwards County Housing Authority's policies for the operation of the Public Housing Program, incorporating Federal, State and local law. If there is any conflict between this policy and laws or regulations, the laws and regulations will prevail.

1.0 FAIR HOUSING

It is the policy of the Edwards County Housing Authority to fully comply with all Federal, State and local nondiscrimination laws; the Americans with Disabilities Act; and the U. S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity. The Edwards County Housing Authority shall affirmatively further fair housing in the administration of its public housing program.

No person shall, on the grounds of race, color, sex, religion, national or ethnic origin, familial status, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the Edwards County Housing Authority's programs.

2.0 REASONABLE ACCOMODATION

Sometimes people with disabilities may need a reasonable accommodation in order to take full advantage of the Edwards County Housing Authority housing programs and related services. When such accommodations are granted, they do not confer special treatment or advantage for the person with a disability; rather, they make the program accessible to them in a way that would otherwise not be possible due to their disability. This policy clarifies how people can request accommodations and the guidelines the Edwards County Housing Authority will follow in determining whether it is reasonable to provide a requested accommodation. Because disabilities are not always apparent, the Edwards County Housing Authority will ensure that all applicants/tenants are aware of the opportunity to request reasonable accommodations.

2.1 COMMUNICATION

The Edwards County Housing Authority application provides the opportunity to Request Reasonable Accommodation.

All decisions granting or denying requests for reasonable accommodations will be in writing.

2.2 ***QUESTIONS TO ASK IN GRANTING THE ACCOMMODATION***

- A. Is the requestor a person with disabilities? For this purpose, the definition of person with disabilities is different than the definition used for admission. The Fair Housing definition used for this purpose is:

A person with a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment. (The disability may not be apparent to others, i.e., a heart condition).

If the disability is apparent or already documented, the answer to this question is yes. It is possible that the disability for which the accommodation is being requested is a disability other than the apparent disability. If the disability is not apparent or documented, the Edwards County Housing Authority will obtain verification that the person is a person with a disability.

- B. Is the requested accommodation related to the disability? If it is apparent that the request is related to the apparent or documented disability, the answer to this question is yes. If it is not apparent, the Edwards County Housing Authority will obtain documentation that the requested accommodation is needed due to the disability. The Edwards County Housing Authority will not inquire as to the nature of the disability.
- C. Is the requested accommodation reasonable? In order to be determined reasonable, the accommodation must meet two criteria:
1. Would the accommodation constitute a fundamental alteration? The EDWARDS COUNTY Housing Authority's business is housing. If the request would alter the fundamental business that the Edwards County Housing Authority conducts, that would not be reasonable. For instance, the Edwards County Housing Authority would deny a request to have the Edwards County Housing Authority do grocery shopping for a person with disabilities.
 2. Would the requested accommodation create an undue financial hardship or administrative burden? Frequently the requested accommodation costs little or nothing. If the cost would be an undue burden, the Edwards County Housing Authority may request a meeting with the individual to investigate and consider equally effective alternatives.
- D. Generally the individual knows best what it is they need; however, the Edwards County Housing Authority retains the right to be shown how the requested

accommodation enables the individual to access or use the Edwards County Housing Authority's programs or services.

If more than one accommodation is equally effective in providing access to the Edwards County Housing Authority's program, the Edwards County Housing Authority retains the right to select the most efficient or economic choice.

3.0 FAMILY OUTREACH

The Edwards County Housing Authority will publicize the availability and nature of the Public Housing Program for extremely low-income, very low and low-income families in a newspaper of general circulation, posting flyers in the towns where the developments are located, and by other suitable means.

The Edwards County Housing Authority will communicate the status of housing availability to other service providers in the community and inform them of housing eligibility factors and guidelines so they can make proper referrals for the Public Housing Program.

4.0 RIGHT TO PRIVACY

All adult members of both applicant and tenant households are required to annually sign HUD Form 9886, Authorization for Release of Information and Privacy Act Notice. The Authorization for Release of Information and Privacy Act Notice states how family information will be released and includes the Federal Privacy Act Statement.

Any request for applicant or tenant information will not be released unless there is a signed release of information request from the applicant or tenant.

5.0 REQUIRED POSTINGS

The Edwards County Housing Authority will post, in a conspicuous place and at a height easily read by all persons including persons with mobility disabilities, the following information:

- A. Statement of Policies and Procedures governing Admission and Continued Occupancy
- B. Notice of the status of the waiting list (opened or closed)
- C. A listing of all the developments by name, address, number of units, units designed with special accommodations, office hours, telephone numbers, and operation hours

- D. Income Limits for Admission
- E. Excess Utility Charges
- F. Utility Allowance Schedule
- G. Current Schedule of Routine Maintenance Charges
- H. Dwelling Lease
- I. Grievance Procedure
- J. Fair Housing Poster
- K. Equal Opportunity in Employment Poster
- L. Any current Edwards County Housing Authority Notices

6.0 TAKING APPLICATIONS

Applicants wishing to apply for the Public Housing Program will be required to complete an application for housing assistance. Applications will be accepted during regular business hours, which are 8:00 a.m. to 4:00 p.m.:

125 W. Cherry Street
Albion, IL 62806

Applications are taken to compile a waiting list. Due to the demand for housing in the Edwards County Housing Authority jurisdiction, the Edwards County Housing Authority may take applications on an open enrollment basis, depending on the length of the waiting list.

Completed applications will be accepted for all applicants and the Edwards County Housing Authority will verify the information.

Applications may be made in person at the EDWARDS COUNTY Housing Authority, 125 W. Cherry Street, Albion, Illinois on Monday through Friday from 8:15 a.m. to 3:45 p.m. Applications will be mailed to interested families upon request or may be downloaded from the website at edwardscohousing.org.

The completed application will be dated and time stamped upon its return to the Edwards County Housing Authority. Persons with disabilities who require a reasonable accommodation in completing an application may call the Edwards County Housing Authority to make special arrangements.

The application requires the family to provide birth certificates, Social Security cards, and driver's licenses (if any) for all members of the applying household. The application cannot be accepted unless all of the necessary documents are presented. The Housing Authority will make copies and the originals will be returned to the applicant.

The application requires the family to provide information establishing any preferences to which they may be entitled which results in the family's placement on the waiting list.

Upon receipt of the family's application, the Edwards County Housing Authority will make a preliminary determination of eligibility. If the Edwards County Housing Authority determines the family to be ineligible, the notice will state the reasons therefore and will offer the family the opportunity of an informal review of the determination.

The applicant may at any time report changes in their applicant status including changes in family composition, income, or preference factors. The Edwards County Housing Authority will annotate the applicant's file.

7.0 ELIGIBILITY FOR ADMISSION

7.1 INTRODUCTION

There are five eligibility requirements for admission to public housing: qualifies as a family, has an income within the income limits, meets citizenship/eligible immigrant criteria, provides documentation of Social Security numbers, and signs consent authorization documents. In addition to the eligibility criteria, families must also meet the Edwards County Housing Authority screening criteria in order to be admitted to public housing.

7.2 ELIGIBILITY CRITERIA

A. Family Status.

1. **A family, with or without children.** Such a family is defined as a group of people related by blood, marriage, adoption or affinity that live together in a stable family relationship.
 - a. Children temporarily absent from the home due to placement in foster care are considered family members.
 - b. Unborn children and children in the process of being adopted are considered family members for the purpose of determining bedroom size but are not considered family members for determining income limit.

- c. Two or more persons who have had a stable, family-type relationship.
- 2. An **elderly family**, which is:
 - a. A family whose head, spouse, or sole member is a person who is at least 62 years of age;
 - b. Two or more persons who are at least 62 years of age living together; or
 - c. One or more persons who are at least 62 years of age living with one or more live-in aides.
- 3. A **near-elderly family**, which is:
 - a. A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62;
 - b. Two or more persons, who are at least 50 years of age but below the age of 62, living together; or
 - c. One or more persons, who are at least 50 years of age but below the age of 62, living with one or more live-in aides.
- 4. A **disabled family**, which is:
 - a. A family whose head, spouse, or sole member is a person with disabilities;
 - b. Two or more persons with disabilities living together; or
 - c. One or more persons with disabilities living with one or more live-in aides.
 - d. For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence.
- 5. A **displaced family**, which is a family in which each member, or whose sole member, has been displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.
- 6. A **remaining member of a tenant family**.

7. A **single person** who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family.

B. Income Eligibility

1. To be eligible for admission to developments or scattered-site units that were available for occupancy before 10/1/81, the family's annual income must be within the low-income limit set by HUD. This means the family income cannot exceed 80 percent of the median income for the area.
2. Income limits apply only at admission and are not applicable for continued occupancy.
3. A family may not be admitted to the public housing program from another assisted housing program (e.g., tenant-based Section 8) or from a public housing program operated by another housing authority without meeting the income requirements of the Edwards County Housing Authority.
4. If the Edwards County Housing Authority acquires a property for federal public housing purposes, the families living there must have incomes within the low-income limit in order to be eligible to remain as public housing tenants.
5. Income limit restrictions do not apply to families transferring within our Public Housing Program.
6. The Edwards County Housing Authority may allow police officers, who would not otherwise be eligible for occupancy in public housing to reside in a public housing dwelling unit. Such occupancy must be needed to increase security for public housing residents. Their rent shall at least equal the cost of operating the public housing unit.
7. If there are no eligible families on the waiting list and the Edwards County Housing Authority has published a 30-day notice of available units in at least one newspaper of general circulation, families above the applicable income limit may be housed.

C. Citizenship/Eligibility Status

1. To be eligible for Public Housing each member of the family must be a citizen, national, or a non-citizen, who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 (see 42 U.S.C. 1436a(a)).
2. Family eligibility for assistance.

- a. A family shall not be eligible for assistance unless at least one member of the family residing in the unit is determined to have eligible status, with the exception noted below.
- b. Despite the ineligibility of one or more family members, a mixed family may be eligible for one of three types of assistance. (See Section 13.6 for calculating rents under the non-citizen rule)
- c. A family without any eligible members and receiving assistance on June 19, 1995 may be eligible for temporary deferral of termination of assistance.

D. Social Security Number Documentation

To be eligible, all family members 6 years of age and older must provide a Social Security number or certify that they do not have one. Adults must certify for minors

E. Signing Consent Forms

- 1. In order to be eligible, each member of the family who is at least 18 years of age, and each family head and spouse regardless of age, shall sign one or more consent forms.
- 2. The consent form must contain, at a minimum, the following:
 - a. A provision authorizing HUD or the Edwards County Housing Authority to obtain from State Wage Information Collection Agencies (SWICAs) any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy;
 - b. A provision authorizing HUD or the Edwards County Housing Authority to verify with previous or current employers or other sources of income information pertinent to the family's eligibility for or level of assistance;
 - c. A provision authorizing HUD to request income information from the IRS and the SSA for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits; and
 - d. A statement that the authorization to release the information request by the consent form expires 15 months after the date the consent form is signed and a statement allowing the ECHA permission to

access the applicants criminal record with any and all police and/or law enforcement agencies.

7.3 SUITABILITY

- A. Applicant families will be evaluated to determine whether, based on their recent behavior, such behavior could reasonably be expected to result in noncompliance with the public housing lease. The Edwards County Housing Authority will look at past conduct as an indicator of future conduct. Emphasis will be placed on whether a family's admission could reasonably be expected to have a detrimental effect on the development environment, other tenants, Edwards County Housing Authority employees, or other people residing in the immediate vicinity of the property. Otherwise eligible families will be denied admission if they fail to meet the suitability criteria.

- B. The Edwards County Housing Authority will consider objective and reasonable aspects of the family's background, including the following:
 - 1. History of meeting financial obligations, especially rent & any utility & any utility payments.
 - 2. Ability to maintain (or with assistance would have the ability to maintain) their housing in a decent and safe condition based on living or housekeeping habits and whether such habits could adversely affect the health, safety, or welfare of other tenants;
 - 3. History of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well being of other tenants or staff or cause damage to the property;
 - 4. History of disturbing neighbors or destruction of property;
 - 5. Having committed fraud in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from; and
 - 6. History of abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment by others.

- C. The Edwards County Housing Authority will ask applicants to provide information demonstrating their ability to comply with the essential elements of

the lease. The Edwards County Housing Authority will verify the information provided. Such verification may include but may not be limited to the following:

1. A credit check of the head, spouse and co-head & any other adult family Member.
2. A rental history check of all adult family members;
3. A criminal background check on all adult household members, including live-in aides. This check will be made through State or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last five years. Where the individual has lived outside the local area, the Edwards County Housing Authority may contact law enforcement agencies where the individual had lived or request a check through the FBI's National Crime Information Center (NCIC);
4. A home visit. The home visit provides the opportunity for the family to demonstrate their ability to maintain their home in a safe and sanitary manner. This inspection considers cleanliness and care of rooms, appliances, and appurtenances. The inspection may also consider any evidence of criminal activity; and
5. A check of the State's lifetime sex offender registration program for each adult household member, including live-in aides. No household with an individual registered under a State sex offender registration will be admitted to public housing. ECHA will check with our State registry & if the applicant has resided in another State(s), with that State(s)'s list.

7.4 GROUNDINGS FOR DENIAL

The Edwards County Housing Authority is not required or obligated to assist applicants who:

- A. Do not meet any one or more of the eligibility criteria;
- B. Do not supply information or documentation required by the application process;
- C. Have failed to respond to a written request for information or a request to declare their continued interest in the program;
- D. Have a history of not meeting financial obligations, especially rent;
- E. Do not have the ability to maintain (with assistance) their housing in a decent and safe condition where such habits could adversely affect the health, safety, or welfare of other tenants;

- F. Have a history of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well being of other tenants or staff or cause damage to the property;

For the purpose of this Policy, if any member of the applicant family has been arrested 1 time within the prior 5 year period for this purpose, they will be determined to have engaged in criminal activity, drug-related criminal activity or violent criminal activity.

- G. Have a history of disturbing neighbors or destruction of property;
- H. Currently owes rent or other amounts to any housing authority in connection with their public housing or Section 8 programs;
- I. Have committed fraud, bribery or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;
- J. Were evicted from federally assisted housing within the past 5 years because of drug-related criminal activity. The five year limit is based on the date of such eviction, not the date the crime was committed.

However, ECHA may admit the household if the PHA determines:

1. The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the ECHA; or
 2. The circumstances leading to the eviction no longer exist (for example, the criminal household member is imprisoned or has died).
- K. Are currently engaging in the illegal use of a controlled substance. For the purposes of this section, a member is “currently engaged in” the criminal activity if the person has engaged in this behavior recently enough to justify a reasonable belief that the behavior is current.
 - L. ECHA determines that it has reasonable cause to believe that a household member’s illegal use or pattern of illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents
 - M. ECHA determines that it has reasonable cause to believe that a household member’s abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;

- N. Have engaged in or threatened abusive or violent behavior towards any ECHA staff member or resident;
- O. Fugitive felons, parole violators, and persons fleeing to avoid prosecution or custody or confinement after conviction for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees; Parolee's will not be allowed to be paroled from prison to Edwards County Housing Authority nor will they be allowed to live in the authority for five years after their release from prison.
- P. **Denied for Life:** If any family member has been convicted of manufacturing or producing methamphetamine (speed) in a public housing development, in a Section 8 assisted property, or on the premises of other federally assisted housing;
- Q. **Denied for Life:** Has a lifetime registration under a State sex offender registration program.

7.5 *INFORMAL REVIEW*

- A. If the Edwards County Housing Authority determines that an applicant does not meet the criteria for receiving public housing assistance, the Edwards County Housing Authority will promptly provide the applicant with written notice of the determination. The notice must contain a brief statement of the reason(s) for the decision and state that the applicant may request in writing an informal review of the decision within 10 days of the denial. The Edwards County Housing Authority will describe how to obtain the informal review.
- B. The applicant may request that the Edwards County Housing Authority provide for an Informal Hearing after the family has notification of an INS decision on their citizenship status on appeal, or in lieu of request of appeal to the INS. This request must be made by the applicant within 30 calendar days of receipt of the Notice of Denial or Termination of Assistance, or within 30 calendar days of receipt of the INS appeal decision.

For the applicants, the Informal Hearing Process above will be utilized with the exception that the applicant will have up to 30 calendar days of receipt of the Notice of Denial or Termination of Assistance, or of the INS appeal decision.

8.0 **MANAGING THE WAITING LIST**

8.1 *ORGANIZATION OF THE WAITING LIST*

The waiting list will be maintained in accordance with the following guidelines:

- A. The application will be a permanent file;
- B. All applications will be maintained in order of bedroom size, date and time of application, and then in order of preference; and
- C. Any contact between the Edwards County Housing Authority and the applicant will be documented on the application.

8.2 REMOVAL OF APPLICANTS FROM THE WAITING LIST

The Edwards County Housing Authority will not remove an applicant's name from the waiting list unless:

- A. The applicant requests that the name be removed;
- B. The applicant fails to respond to a written request for information within 10 business days or a request to declare their continued interest in the program;
- C. The applicant does not meet either the eligibility or suitability criteria for the program; or
- D. The applicant is housed.

8.3 MISSED APPOINTMENTS

The Edwards County Housing Authority will allow the family to reschedule for good cause. Generally, no more than one opportunity will be given to reschedule without good cause, and no more than two opportunities will be given for good cause. When good cause exists for missing an appointment, the Edwards County Housing Authority will work closely with the family to find a more suitable time.

9.0 TENANT SELECTION AND ASSIGNMENT PLAN

9.1 PREFERENCES

The Edwards County Housing Authority will select families based on the following preferences within each bedroom size category based on our local housing needs and priorities:

- A. A local preference will be given to an elderly applicant, (a family whose head, spouse or sole member is at least 62 years of age), over an applicant who is under

62 years of age, if the vacancy to be filled is a zero-bedroom or a one-bedroom unit and both applicants are eligible.

- B. If the PHA has 2 applications with the same date and time, and 1 applicant is employed full-time or part-time, and the other is not, the PHA will give a local preference to the applicant who is employed in an effort to adhere to HUD’s directives to PHA’s to become more financially self-sustaining and encourage a mix of income levels in housing.
- C. All other applicants.

Based on the above preferences, all families in preference A will be offered housing before any families in preference B, and preference B families will be offered housing before any families in preference C.

The date and time of application will be noted and utilized to determine the sequence within the above-prescribed preferences.

Notwithstanding the above, families who are elderly or disabled will be offered housing before other single persons.

Buildings Designed for the Elderly and Disabled: Preference will be given to elderly and disabled families. If there are no elderly or disabled families on the list, preference will then be given to near-elderly families. If there are no near-elderly families on the waiting list, units will be offered to families who qualify for the appropriate bedroom size using these priorities. All such families will be selected from the waiting list using the preferences as outlined above.

Accessible Units: Accessible units will be first offered to families who may benefit from the accessible features. Applicants for these units will be selected utilizing the same preference system as outlined above. If there are no applicants who would benefit from the accessible features, the unit will be offered to other applicants in the order that their names come to the top of the waiting list.

9.2 ASSIGNMENT OF BEDROOM SIZES

The following guidelines will determine each family’s unit size without overcrowding or over-housing:

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
0	1	2
1	1	2

2	2	4
3	3	6
4	4	8

These standards are based on the assumption that each bedroom will accommodate no more than 2 persons. Two adults will share a bedroom unless related by blood.

In determining bedroom size, the Edwards County Housing Authority will include the presence of children to be born to a pregnant woman, children who are in the process of being adopted, children whose custody is being obtained, children currently under a 50% or more joint custody decree, children who are temporarily away at school, or children who are temporarily in foster-care.

In addition, the following considerations may be taken in determining bedroom size:

- A. Children of the same sex will share a bedroom.
- B. Children of the opposite sex, both under the age of 6, may share a bedroom.
- C. Adults and children will not be required to share a bedroom.
- D. Foster adults and/or foster children will not be required to share a bedroom with family members.
- E. Live-in aides will get a separate bedroom.

Exceptions to normal bedroom size standards include the following:

- A. Units smaller than assigned through the above guidelines. A family may request a smaller unit size than the guidelines allow. The Edwards County Housing Authority will allow the smaller size unit so long as generally no more than 2 people per bedroom are assigned. In such situations, the family will sign a certification stating they understand they will be ineligible for a larger size unit until their applications reaches the top of the waiting list or until the family size changes, whichever may occur first.
- B. Units larger than assigned through the above guidelines – A family may request a larger unit size than the guidelines allow. The Edwards County Housing Authority will allow the larger size unit if the family provides a verified medical or disability related need that the family be housed in a larger unit.
- C. If there are no families on the waiting list for a larger size, smaller families may be housed if they sign a release form stating they will transfer (at the family's

own expense) to the appropriate size unit when an eligible family needing the larger unit applies. The family transferring will be given a 30 calendar day notice before being required to move.

- D. Larger units may be offered in order to improve the marketing of a development suffering a high vacancy rate.

9.3 OFFER OF A UNIT

When the Edwards County Housing Authority discovers that a unit will become available, we will contact the first family on the waiting list who has the highest priority for this type of unit or development.

The Edwards County Housing Authority will contact the family first by telephone to make the unit offer. If the family cannot be reached by telephone, the family will be notified of a unit offer via first class mail. The family will be given five (5) business days from the date the family was contacted by telephone or from the date the letter was mailed to contact the Edwards County Housing Authority regarding the offer.

The family will be offered the opportunity to view the unit. The family will have 2 business days to view and accept or reject the unit. This verbal offer and the family's decision must be documented on the application.

9.4 REJECTION OF UNIT

If the family rejects the unit without good cause, the family will forfeit their application's date and time. The date and time of application will be changed to the date and time the unit was rejected.

If the family fails to keep the leasing appointment without notice & rescheduling the appointment, offer of the unit shall be withdrawn. The family shall also be removed from the waiting list and shall forfeit the security deposit it paid to hold the unit.

If the family rejects with good cause any unit offered, they will not lose their place on the waiting list. Good cause includes, among other things, reasons related to health, proximity to work, school, and childcare (for those working or going to school). The family will be offered the right to an informal review of the decision to alter their application status.

9.5 ACCEPTANCE OF UNIT

The family will be required to sign a lease that will become effective no later than 7 business days after the date of acceptance or the business day after the day the unit becomes available, whichever is later.

The applicant will be provided a copy of the lease, the current schedule of routine maintenance charges. These documents will be explained in detail.

The signing of the lease and the review of financial information are to be privately handled. The head of household and all adult family members will be required to execute the lease prior to admission. One executed copy of the lease will be furnished to the head of household and the Edwards County Housing Authority will retain the original executed lease in the tenant's file.

The family will pay a security deposit at the time of lease signing. The security deposit will be equal to:

- A. \$100.00 for efficiencies and 1-bedroom units
- B. \$125.00 for 2, 3, and 4-bedroom units

In the case of a move within public housing, the security deposit for the first unit will be transferred to the second unit. Additionally, if the security deposit for the second unit is greater than that for the first, the difference will be collected from the family. Conversely, if the security deposit is less, the difference will be refunded to the family.

In the event there are costs attributable to the family for bringing the first unit into condition for re-renting, the family shall be billed for these charges.

10.0 INCOME, EXCLUSIONS AND DEDUCTIONS FROM INCOME

To determine annual income, the Edwards County Housing Authority adds the income of all family members, excluding the types and sources of income that are specifically excluded. Once the annual income is determined, the Edwards County Housing Authority subtracts all allowable deductions (allowances) to determine the Total Tenant Payment. Any increase in the household's income must be reported to the Housing Authority when the increase has amounted to \$40 or more for the current year. Income increases of under \$40 for the year do not have to be reported.

10.1 INCOME

Annual income means all amounts, monetary or not, that:

- A. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member; or
- B. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- C. Are not specifically excluded from annual income.

If it is not feasible to anticipate a level of income over a 12-month period (e.g. seasonal or cyclic income), or the Edwards County Housing Authority believes that past income is the best available indicator of expected future income, the Edwards County Housing Authority may annualize the income anticipated for a shorter period, subject to a redetermination at the end of the shorter period.

Annual income includes, but is not limited to, the amounts specified in the federal regulations currently found in 24 CFR5.609:

- A. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.
- B. The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession is included in income, except to the extent the withdrawal is a reimbursement of cash or assets invested in the operation by the family.
- C. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from an investment is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income includes the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD. Income that could have been derived from assets worth more than \$1000 that were disposed of for less than fair market value within the past two years will be counted as income.
- D. The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount. (However, deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.)

- E. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay. (However, lump sum additions such as insurance payments from worker's compensation are excluded.)
- F. Welfare assistance.
 - 1. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income consists of:
 - a. The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
 - b. The maximum amount that the welfare assistance agency could in fact allow for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this requirement is the amount resulting from one application of the percentage.
 - 2. Imputed welfare income
 - a. A family's annual income includes the amount of imputed welfare income (because of specified welfare benefits reductions resulting from either welfare fraud or the failure to comply with economic self-sufficiency requirements, as specified in notice to the Edwards County Housing Authority by the welfare agency) plus the total amount of other annual income.
 - b. At the request of the Edwards County Housing Authority, the welfare agency will inform the Edwards County Housing Authority in writing of the amount and term of any specified welfare benefit reduction for a family member, and the reason for such reduction, and will also inform the Edwards County Housing Authority of any subsequent changes in the term or amount of such specified welfare benefit reduction. The Edwards County Housing Authority will use this information to determine the amount of imputed welfare income for a family.
 - c. A family's annual income includes imputed welfare income in family annual income, as determined at an interim or regular reexamination of family income and composition, during the term of the welfare benefits reduction (as specified in information provided to the Edwards County Housing Authority by the welfare

agency.

- d. The amount of the imputed welfare income is offset by the amount of additional income a family receives that commences after the time the sanction was imposed. When such additional income from other sources is at least equal to the imputed welfare income, the imputed welfare income is reduced to zero.
- e. The Edwards County Housing Authority will not include imputed welfare income in annual income if the family was not an assisted resident at the time of the sanction.
- f. If a resident is not satisfied that the Edwards County Housing Authority has calculated the amount of imputed welfare income in accordance with HUD requirements, and if the Edwards County Housing Authority denies the family's request to modify such amount, then the Edwards County Housing Authority shall give the resident written notice of such denial, with a brief explanation of the basis for the Edwards County Housing Authority's determination of the amount of imputed welfare income. The EDWARDS County Housing Authority's notice shall also state that if the resident does not agree with the determination, the resident may grieve the decision in accordance with our grievance policy. The resident is not required to pay an escrow deposit for the portion of the resident's rent attributable to the imputed welfare income in order to obtain a grievance hearing.
- g. Relations with welfare agencies
 - 1). The Edwards County Housing Authority will ask welfare agencies to inform it of any specified welfare benefits reduction for a family member, the reason for such reduction, the term of any such reduction, and any subsequent welfare agency determination affecting the amount or term of a specified welfare benefits reduction. If the welfare agency determines a specified welfare benefits reduction for a family member, and gives the Edwards County Housing Authority written notice of such reduction, the family's annual incomes shall include the imputed welfare income because of the specified welfare benefits reduction.
 - 2). The Edwards County Housing Authority is responsible for determining the amount of imputed welfare income that is included in the family's annual income as a result of a specified welfare benefits reduction as determined by the welfare agency, and specified in the notice by the welfare agency to the housing authority. However, the Edwards County Housing Authority is not

responsible for determining whether a reduction of welfare benefits by the welfare agency was correctly determined by the welfare agency in accordance with welfare program requirements and procedures, nor for providing the opportunity for review or hearing on such welfare agency determinations.

3). Such welfare agency determinations are the responsibility of the welfare agency, and the family may seek appeal of such determinations through the welfare agency's normal due process procedures. The Edwards County Housing Authority shall rely on the welfare agency notice to the Edwards County Housing Authority of the welfare agency's determination of a specified welfare benefits reduction.

- G. Periodic and determinable allowances, such as alimony, child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.
- H. All regular pay, special pay, and allowances of a member of the Armed Forces. (Special pay to a member exposed to hostile fire is excluded.)

10.2 ANNUAL INCOME

Annual income does not include the following amounts specified in the federal regulations currently found in 24 CFR 5.609:

- A. Income from employment of children (including foster children) under the age of 18 years;
- B. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- C. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses;
- D. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- E. Income of a live-in aide;
- F. The full amount of student financial assistance paid directly to the student or to the educational institution;
- G. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;

H. The amounts received from the following programs:

1. Amounts received under training programs funded by HUD;
2. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
3. Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and that are made solely to allow participation in a specific program;
4. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the Housing Authority or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination and serving as a member of the Edwards County Housing Authority governing board. No resident may receive more than one such stipend during the same period of time;
5. Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program;
6. Temporary, nonrecurring or sporadic income (including gifts);
7. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
8. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
9. Adoption assistance payments in excess of \$480 per adopted child;
10. The incremental earnings due to employment during a cumulative

12-month period following date of the initial hire shall be excluded. This exclusion (paragraph 11) will not apply for any family who concurrently is eligible for exclusion #10. Additionally, this exclusion is only available to the following families:

- a. Families whose income increases as a result of employment of a family member who was previously unemployed for one or more years.
- b. Families whose income increases during the participation of a family member in any economic self-sufficiency or other job-training program.
- c. Families who are or were, within 6 months, assisted under a State TANF program or Welfare-to-Work program.

During the second cumulative 12-month period after the date of initial hire, 50% of the increased income shall be excluded from income.

The disallowance of increased income of an individual family member is limited to a lifetime 48-month period. It only applies for 12 months of the 100% exclusion and 12 months of the 50% exclusion.

(While HUD regulations allow for the housing authority to offer an escrow account in lieu of having a portion of their income excluded under this paragraph, it is the policy of this housing authority to provide the exclusion in all cases.)

11. Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount;
12. Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;
13. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or
14. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits. These exclusions include:
 - a. The value of the allotment of food stamps

- b. Payments to volunteers under the Domestic Volunteer Services Act of 1973
- c. Payments received under the Alaska Native Claims Settlement Act
- d. Income from submarginal land of the U.S. that is held in trust for certain Indian tribes
- e. Payments made under HHS's Low-Income Energy Assistance Program
- f. Payments received under the Job Training Partnership Act
- g. Income from the disposition of funds of the Grand River Band of Ottawa Indians
- h. The first \$2000 per capita received from judgment funds awarded for certain Indian claims
- i. Amount of scholarships awarded under Title IV including Work Study
- j. Payments received under the Older Americans Act of 1965
- k. Payments from Agent Orange Settlement
- l. Payments received under the Maine Indian Claims Act
- m. The value of childcare under the Child Care and Development Block Grant Act of 1990
- n. Earned income tax credit refund payments
- o. Payments for living expenses under the Americorps Program
- p. The \$600 transitional assistance subsidy, for applicants and tenants Enrolled in the Medicare transitional assistance program, effective the date of receiving the benefits and any negotiated drug discounts received pursuant to the Medicare prescription drug discount card.

The Edwards County Housing Authority will not provide exclusions from income in addition to those already provided for by HUD.

10.3 DEDUCTIONS FROM ANNUAL INCOME

The following deductions will be made from annual income:

- A. \$480 for each dependent;
- B. \$400 for any elderly family or disabled family;
- C. The sum of the following, to the extent the sum exceeds three percent annual income:
 - 1. Unreimbursed medical expenses of any elderly family or disabled family; and
 - 2. Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed, but this allowance may not exceed the earned income received by family members who are 18 years of age or older who are able to work because of such attendant care or auxiliary apparatus.
- D. Reasonable child care expenses for children 12 and younger necessary to enable member of the family to be employed or to further his or her educations. This deduction shall not exceed the amount of employment income that is included in annual income.
- E. The Medicare assistance provided for the cost of drugs pursuant to prescription drug discount cards, negotiated drug price, or transitional assistance subsidies.

10.4 RECEIPT OF A LETTER OR NOTICE FROM HUD CONCERNING INCOME

- A. If a public housing resident receives a letter or notice from HUD concerning the Amount or verification of family income, the letter shall be brought to the person responsible for income verification within fifteen (15) calendar days of receipt by the resident.
- B. The Executive Director shall reconcile any difference between the amount reported By the resident and the amount listed in the HUD communication. This shall be done as promptly as possible.
- C. After the reconciliation is complete, the Edwards County Housing Authority shall, if appropriate, adjust the resident's rent beginning at the start of the next month. If the reconciliation is completed during the final five (5) calendar days of the month, the new rent shall take effect on the first day of the second month following the end of the current month. In addition, if the resident had not previously reported the proper income, Edwards County Housing Authority shall do one of the following:
 - 1. Immediately collect the back rent due to the agency;

2. Establish a repayment plan for the resident to pay the sum due to the agency;
3. Terminate the lease and evict for failure to report income; or
4. Terminate the lease, evict for failure to report income, and collect the back rent due to the agency.

10.5 COOPERATING WITH WELFARE AGENCIES

The Edwards County Housing Authority will make its best efforts to enter into cooperation agreements with local welfare agencies under which the welfare agencies will agree:

- A. To target assistance, benefits and services to families receiving assistance in the public Housing to achieve self sufficiency; and
- B. To provide written verification to the Edwards County Housing Authority concerning welfare benefits for families applying for or receiving assistance in our housing assistance programs.

11.0 VERIFICATION

The Edwards County Housing Authority will verify information related to waiting list preferences, eligibility, admission, and level of benefits prior to admission. Periodically during occupancy, items related to eligibility and rent determination shall also be reviewed and verified. Income, assets, and expenses will be verified, as well as disability status, need for a live-in aide and other reasonable accommodations; full-time student status of family members 18 years of age and older; Social Security numbers; and citizenship/eligible noncitizen status. Age and relationship will only be verified in those instances where needed to make a determination of level of assistance.

11.1 ACCEPTABLE METHODS OF VERIFICATION

Age, relationship, U.S. citizenship, and Social Security numbers will generally be verified with documentation provided by the family. For citizenship, the family's certification will be accepted. (Or, for citizenship, documentation such as listed below will be required.) Verification of these items will include photocopies of the Social Security cards and other documents presented by the family, the INS SAVE approval code, and forms signed by the family.

Other information will be verified by third party verification. This type of verification includes written documentation with forms sent directly to and received directly from a source, not passed through the hands of the family. This verification may also be direct contact with the source, in person or by telephone. It may also be a report generated by a request from the Edwards County Housing Authority or automatically by another government agency, i.e., the Social Security Administration. Verification forms and

reports received will be contained in the applicant/tenant file. Oral third party documentation will include the same information as if the documentation had been written, i.e., name, date of contact, amount received, etc.

The Edwards County Housing Authority will accept documentation received from the applicant/tenant. When neither third party verification nor hand-carried verification can be obtained, the Edwards County Housing Authority will accept a notarized statement signed by the head, spouse or co-head. Such documents will be maintained in the file.

11.2 TYPES OF VERIFICATION

The chart below outlines the factors that may be verified and gives common examples of the verification that will be sought. To obtain written third party verification, the Edwards County Housing Authority will send a request form to the source along with a release form signed by the applicant/tenant via first class mail.

Verification Requirements for Individual Items		
Item to Be Verified	3 rd party verification	Hand-carried verification
General Eligibility Items		
Social Security Number	Letter from Social Security, electronic reports	Social Security card or a third 3 rd party document stating the Social Security Number
Citizenship	N/A	Signed certification, voter's registration card, birth certificate, etc.
Eligible immigration status	INS SAVE confirmation #	INS card
Disability	Letter from medical professional, SSI, etc	Proof of SSI or Social Security disability payments
Full time student status (if >18)	Letter from school	For high school students, and/or college any document evidencing enrollment
Need for a live-in aide	Letter from doctor or other professional knowledgeable of condition	N/A
Child care costs	Letter from care provider	Bills and receipts
Disability assistance expenses	Letters from suppliers, care givers, etc.	Bills and records of payment

Verification Requirements for Individual Items		
Item to Be Verified	3 rd party verification	Hand-carried verification
Medical expenses	Letters from providers, Prescription record from pharmacy, medical professional's letter stating assistance or a companion animal is needed	Bills, receipts, records of payment, dates of trips, mileage log, receipts for fares and tolls
Value of and Income from Assets		
Savings, checking accounts	Letter from institution	Passbook, most current statements
CDS, bonds, etc	Letter from institution	Tax return, information brochure from institution, the CD, the bond
Stocks	Letter from broker or holding company	Stock or most current statement, price in newspaper or through Internet
Real property	Letter from tax office, assessment, etc.	Property tax statement (for current value), assessment, records or income and expenses, tax return
Personal property held as An investment	Assessment, bluebook, etc	Receipt for purchase, other evidence of worth
Cash value of life insurance policies	Letter from insurance company	Current statement
Assets disposed of for less than fair market value	N/A	Original receipt and receipt at disposition, other evidence of worth
Income		
Earned income	Letter from employer	Multiple pay stubs
Self-employed	N/A	Tax return from prior year, books of accounts
Regular gifts and contributions	Letter from source, letter from organization receiving gift (i.e., if grandmother pays day care provider,	Bank deposits, other similar evidence

Verification Requirements for Individual Items		
Item to Be Verified	3 rd party verification	Hand-carried verification
	the day care provider could so state)	
Alimony/child support	Court order, letter from source, letter from Human Services	Record of deposits, divorce decree
Social Security Administration		Letter from Social Security as verified by HUD computer systems
Periodic payments (i.e., welfare, pensions, workers compensation, unemployment)	Letter or electronic reports from the source	Award letter, letter announcing change in amount of future payments
Training program participation	Letter from program provider indicating <ul style="list-style-type: none"> - whether enrolled or completed - whether training is HUD-funded - whether Federal, State, local govt., or local program - whether it is employment training - whether it has clearly defined goals and objectives - whether program has supportive services - whether payments are for out-of-pocket expenses incurred in order to participate in a program - date of first job after program completion 	N/A Evidence of job start

11.3 VERIFICATION OF CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS

The citizenship/eligible noncitizen status of each family member regardless of age must be determined.

Prior to being admitted, or at the first reexamination, all citizens and nationals will be required to sign a declaration under penalty of perjury. They will be required to show proof of their status by such means as a Social Security card, birth certificate, military ID, or military DD 214 Form.

Prior to being admitted or at the first reexamination, all eligible noncitizens who are 62 years of age or older will be required to sign a declaration under penalty of perjury. They will also be required to show proof of age.

Prior to being admitted or at the first reexamination, all eligible noncitizens must sign a declaration of their status and a verification consent form and provide their original INS documentation. The Edwards County Housing Authority will make a copy of the individual's INS documentation and place the copy in the file. The Edwards County Housing Authority will also verify their status through the INS SAVE system. If the INS SAVE system cannot confirm eligibility, the Edwards County Housing Authority will mail information to the INS in order that a manual check can be made of INS records.

Family members who do not claim to be citizens, nationals, or eligible noncitizens must be listed on a statement of noneligible members and the list must be signed by the head of the household.

Noncitizen students on student visas, though in the country legally, are not eligible to be admitted to public housing. If they are members of families that include citizens, the rent must be pro-rated.

Any family member who does not choose to declare their status must be listed on the statement of noneligible members.

If no family member is determined to be eligible under this section, the family's eligibility will be denied.

The family's assistance will not be denied, delayed, reduced, or terminated because of a delay in the process of determining eligible status under this section, except to the extent that the delay is caused by the family.

If the Edwards County Housing Authority determines that a family member has knowingly permitted an ineligible noncitizen (other than any ineligible noncitizens listed on the lease) to permanently reside in their public housing unit, the family will be evicted. Such family will not be eligible to be readmitted to public housing for a period of 24 months from the date of eviction or termination.

11.4 VERIFICATION OF SOCIAL SECURITY NUMBERS

Prior to admission, each family member who has a Social Security number and who is at least 6 years of age must provide verification of their Social Security number. New family members at least 6 years of age must provide this verification prior to being added to the lease. Children in assisted households must provide this verification at the first regular reexamination after turning six.

The best verification of the Social Security number is the original Social Security card. If the card is not available, the Edwards County Housing Authority will accept letters from

the Social Security Agency that establishes and states the number. Documentation from other governmental agencies will also be accepted that establishes and states the number. Driver's licenses, military IDs, passports, or other official documents that establish and state the number are also acceptable.

If an individual states that they do not have a Social Security number, they will be required to sign a statement to this effect. The Edwards County Housing Authority will not require any individual who does not have a Social Security number to obtain a Social Security number.

If a member of an applicant family indicates they have a Social Security number, but cannot readily verify it, the family cannot be housed until verification is provided.

If a member of a tenant family indicates they have a Social Security number, but cannot readily verify it, they shall be asked to certify to this fact and shall have up to sixty (60) days to provide the verification. If the individual is at least 62 years of age, they will be given one hundred and twenty (120) days to provide the verification. If the individual fails to provide the verification within the time allowed, the family will be evicted.

11.5 TIMING OF VERIFICATION

Verification information must be dated within ninety (90) days of certification or reexamination. If the verification is older than this, the source will be contacted and asked to provide information regarding any changes.

When an interim reexamination is conducted, the Housing Authority will verify and update all information related to family circumstances and level of assistance.

11.6 FREQUENCY OF OBTAINING VERIFICATION

For each family member, citizenship/eligible noncitizen status will be verified only once. This verification will be obtained prior to admission. If the status of any family member was not determined prior to admission, verification of their status will be obtained at the next regular reexamination. Prior to a new member joining the family, their citizenship/eligible noncitizen status will be verified.

For each family member age 6 and above, verification of Social Security number will be obtained only once. This verification will be accomplished prior to admission. When a family member who did not have a Social Security number at admission receives a Social Security number, that number will be verified at the next regular reexamination. Likewise, when a child turns six, their verification will be obtained at the next regular reexamination.

12.0 DETERMINATION OF TOTAL TENANT PAYMENT AND TENANT RENT

12.1 ACCEPTABLE METHODS OF VERIFICATION

Age, relationship, U.S. citizenship, and Social Security numbers will generally be verified with documentation provided by the family. For citizenship, verification of these items will include photocopies of Birth Certificates, the Social Security cards, Drivers Licenses (when available) and other documents presented by the family, the INS SAVE approval code, and when all avenues have been exhausted the family's certification forms will be accepted signed by the family.

Other information will be verified by the following five verification methods acceptable to HUD, in the order of preference indicated:

1. Up-front Income Verifications (UIV)

UIV is the verification of income through an independent source that systematically maintains income information in computerized form for a large number of individuals.

Current UIV resources include the following:

- a. Tenant Assessment Subsystem (TASS) – HUD’s online system for Social Security (SS) and Supplemental Security Income (SSI) information.**
- b. State Wage Information Collection Agencies (SWICAs)**
- c. State systems for the Temporary Assistance for Needy Families (TANF) program**
- d. Credit Bureau Information (CBA) credit reports**
- e. Internal Revenue Service (IRS) Letter 1722**
- f. Private sector databases (e.g. The Work Number)**

The Edwards County Housing Authority will use additional UIV resources as they become available. It is important to note that UIV data will only be used to verify an applicant or resident’s eligibility for participation in a rental assistance program and to determine the level of assistance the resident is entitled to receive and only by properly trained persons whose duties require access to this information. Any other use, unless approved

by the HUD Headquarters UIV Security System Administrator, is specifically prohibited and will not occur.

No adverse action can be taken against a resident until the Edwards County Housing Authority has independently verified the UIV information and the resident has been granted an opportunity to contest any adverse findings through the established grievance procedure.

Furthermore, the information the Edwards County Housing Authority derives from the UIV system will be protected to ensure that it is utilized solely for official purposes and not disclosed in any way that would violate the privacy of the affected individuals. Once the data has served its purpose, it shall be destroyed by either burning or shredding the data.

2. Third –Party Written Verifications

This type of verification includes written documentation, with forms sent directly to and received directly from a source, not passed through the hands of the family. It may also be a report generated automatically by another government agency, i.e., Department of Welfare, Veterans Administration, etc.

Third-party written verifications may also be used to supplement Up-front Income Verifications.

Third party verification of SS and SSI benefits shall be obtained from HUD's on-line system (Tenant Assessment Subsystem –TASS). If TASS is not available or not current, then verification shall be obtained getting a copy of an official Social Security Administration letter of benefits from the person receiving the benefits and verification from HUD'S on-line system. If either of these forms is not obtainable, then the file shall be documented as to why third party verification was not used.

The Edwards County Housing Authority will allow three (3) weeks for the return of third party written verifications prior to continuing on to the next type of verification. Unless Edwards County Housing Authority has received information in the past six (6) months that has changed (exp: termination of employment, medical leave, increase or decrease in income, etc.) and staff can call the third party for oral verification which enables staff to proceed with interim/recertification in a quicker, more efficient manner which will be documented in the tenant's file. This also helps with the relations with local businesses/employers as they are few, and they become tired of the repetitive verifications.

3. Third-Party Oral Verifications

This type of verification includes direct contact with the source, in person or by telephone. When this method is used, staff members will be required to document in writing with whom they spoke, the date of the conversation and the facts obtained.

The Edwards County Housing Authority will allow five (5) business days for the return of third party oral verifications prior to continuing on to the next type of verification.

4. Review of Documents

When UIV, written and oral third party verifications are not available within the four (4) weeks or twenty (20) business days period allowed in paragraphs 2 and 3 above, the Housing Authority will use the information received by the family, provided that the documents provide complete information. Photocopies of the documents, excluding government checks, provided by the family will be maintained in the file. In cases in which documents are viewed and cannot be photocopied, staff reviewing the documents will complete a written statement as to the contents of the document(s).

5. Self-Certification and Self-Declaration

When UIV, written and oral third party verifications are not available within the four (4) weeks or twenty (20) business days period allowed in paragraphs 2 and 3 above, and hand-carried verification cannot be obtained, the Housing Authority will accept a statement detailing information needed, signed by the head, spouse, co-head, or other adult family member.

Verification forms and reports received will be contained in the applicant/tenant file. Oral third party documentation will include the same information as if the documentation had been written, i.e. name, date of contact, amount received, etc.

12.2 FAMILY CHOICE

At admission and each year in preparation for their annual reexamination, each family is given the choice of having their rent determined under the income method or having their rent set at the flat rent amount.

- A. Families who opt for the flat rent will be required to go through the income reexamination process every three years, rather than the annual review they would

otherwise undergo. Their family composition must still be reviewed annually.

- B. Families who opt for the flat rent may request to have a reexamination and return to the income based method at any time for any of the following reasons:
 - 1. The family's income has decreased.
 - 2. The family's circumstances have changed increasing their expenses for childcare, medical care, etc.
 - 3. Other circumstances creating a hardship on the family such that the income method would be more financially feasible for the family.

- C. Families have only one choice per year except for financial hardship cases. In order for families to make informed choices about their rent options, the Edwards County Housing Authority will provide them with the following information whenever they have to make rent decisions:
 - 1. The Edwards County Housing Authority's policies on switching types of rent in case of a financial hardship; and
 - 2. The dollar amount of tenant rent for the family under each option. If the family chose a flat rent for the previous year, the Edwards County Housing Authority will provide the amount of income-based rent for the subsequent year only the year the Edwards County Housing Authority conducts an income reexamination or if the family specifically requests it and submits updated income information.

12.3 THE INCOME METHOD

The total tenant payment is equal to the highest of:

- A. 10% of the family's monthly income;
- B. 30% of the family's adjusted monthly income; or
- C. The minimum rent of \$50.00

The family will pay the greater of the total tenant payment or the minimum rent of \$50.00 but never more than the ceiling rent.

12.4 MINIMUM RENT

The Edwards County Housing Authority has set the minimum rent at \$50.00. The family may request a hardship exemption if the family pays the minimum rent. The Edwards County Housing Authority must determine whether the hardship exists

and whether the hardship is temporary.

A. A hardship exists in the following circumstances:

1. When the family has lost eligibility for or is waiting an eligibility determination for a Federal, State, or Local assistance program
2. Household income has decreased because of changed circumstances, including the loss of employment; or
3. There has been a death in the household.

B. No hardship. If the Housing Authority determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring back payment of the minimum rent for the time of suspension.

C. Temporary hardship. If the Housing Authority reasonably determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent will not be imposed for a period longer than 90 days from the beginning of the suspension of the minimum rent. At the end of the 90 day period, the minimum rent will be imposed retroactively to the time of suspension. The Housing Authority will offer a repayment agreement in accordance with Section 20 of this policy for any rent not paid during the period of suspension.

During the suspension period the Housing Authority will not evict the family for nonpayment of the amount of tenant rent owed for the suspension period.

D. Appeals. The family may use the grievance procedure to appeal the Housing Authority's determination regarding the hardship. No escrow deposit will be required in order to access the grievance procedure.

12.5 THE FLAT RENT

The Edwards County Housing Authority has set a flat rent for each public housing unit. In doing so, it considered the size and type of the unit, as well as its condition, amenities, services, and neighborhood. The Edwards County Housing Authority determined the market value of the unit and set the rent at the market value. The amount of the flat rent will be reevaluated annually and adjustments applied. Affected families will be given a 30-day notice of any rent change. Adjustments are applied at the end of the annual lease.

The Edwards County Housing Authority will post the flat rents at the office and are incorporated in this policy upon approval by the Board of Commissioners.

12.6 RENT FOR FAMILIES UNDER THE NONCITIZEN RULE

A mixed family will receive full continuation of assistance if all of the following

conditions are met:

- A. The family was receiving assistance on June 19, 1995;
- B. The family was granted continuation of assistance before November 29, 1996;
- C. The family's head or spouse has eligible immigration status; and
- D. The family does not include any person who does not have eligible status other than the head of household, the spouse of the head of household, any parent of the head or spouse, or any child (under the age of 18) of the head or spouse.

The family's assistance is prorated in the following manner:

- A. Determine the 95th percentile of gross rents (tenant rent plus utility allowance) for the Edwards County Housing Authority. The 95th percentile is called the maximum rent.
- B. Subtract the family's total tenant payment from the maximum rent. The resulting number is called the maximum subsidy.
- C. Divide the maximum subsidy by the number of family members and multiply the result times the number of eligible family members. This yields the prorated subsidy.
- D. Subtract the prorated subsidy from the maximum rent to find the prorated total tenant payment. From this amount subtract the full utility allowance to obtain the prorated tenant rent.

12.7 UTILITY ALLOWANCE

The Edwards County Housing Authority shall establish a utility allowance for all check-metered utilities. The allowance will be based on a reasonable consumption of utilities by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful environment.

Electric Consumption: the Edwards County Housing Authority will monitor the utility consumption of each household. Any consumption in excess of the allowance established by the Edwards County Housing Authority will be charged to the tenant at the rate set (The charge not to be more than the PHA pays for the kilowatts).

In the efficiency units and the one-bedroom units there will be a \$10.00 monthly charge to those who have an air conditioner installed in his/her unit. This charge will partially offset the air conditioning electric usage (the meters on those size units are not being read at this time) during the months of June, July, August and September.

Water Consumption: Any water-consuming major appliance will have a monthly charge, set by the Board of Commissioners. This charge partially offsets water costs. As of 1/1/00 the charge will be \$5.00 per appliance, per month.

Utility allowance revisions based on rate changes shall be effective retroactively to the first day of the month following the month in which the last rate change took place. Revisions based on changes in consumption or other reasons shall become effective at the beginning of each new calendar year in January.

12.8 PAYING RENT

Rent and other charges are due and payable on the first day of the month. All rents should be paid at the Edwards County Housing Authority office located at 125 W. Cherry Street, Albion, Illinois. Reasonable accommodations for this requirement will be made for persons with disabilities.

If the rent is not paid by the fifth day of the month, a \$15 late charge will be assessed to the tenant. If the rent is not paid by the 10th of the month a Notice to Vacate will be issued to the tenant. Tenants are allowed 2 eviction notices per year, when payment follows within the 14-day grace period. **A tenant who is issued 3 Notices to Vacate within a calendar year will be evicted, but must pay all charges owed.** A tenant has 5 working days to set up an appointment for informal hearing.

If payment is not made and the time period for a grievance hearing has expired, legal proceedings will be instituted for possession of the dwelling unit. Tenant will be responsible for management's legal costs including, but not limited to, court costs, attorney's fees, sheriff's service fees, etc.

If rent is paid by a personal check and the check is returned for insufficient funds, this shall be considered a non-payment of rent and will incur the late charge plus an additional charge of \$10 for processing costs.

Late payment of rent and/or receipt of a NSF check constitutes material non-compliance with the terms and conditions of the lease and could result in termination of tenancy.

13.0 Community Service

13.1 GENERAL

In order to be eligible for continued occupancy, each adult household member aged 18 through 61 years of age must:

1. contribute eight hours per month of community service (not including political activities); or

2. participate in an economic self-sufficiency program; or
3. perform eight hours per month of combined activities as herinafter described unless they are exempt from this requirement.

13.2 EXEMPTIONS

The following adult members of tenant households are exempt from this requirement.

- A. Household members who are under the age of 18 or are 62 years old or older
- B. Household members who are blind or disabled as defined under 216(I)(1) of 1614 of the Social Security Act (42 U.S.C. 416(I)(1) and who certifies that because of this disability she or he is unable to comply with the community service requirements.
- C. Household members who are the primary care giver for someone who is blind or disabled as set forth in Paragraph B above.
- E. Family members engaged in work activity as defined in section 407(d) of the Social Security Act, specified below. **[You may want to specify a specific number of hours that a person must be working per week or month.]**
 1. Unsubsidized employment;
 2. Subsidized private-sector employment;
 3. Subsidized public-sector employment;
 4. Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment Household members engaged in work activity
 5. On-the-job-training;
 6. Job-search and job-readiness assistance;
 7. Community service programs;
 8. Vocational educational training (not to exceed 12 months with respect to any individual);
 9. Job-skills training directly related to employment;

10. Education directly related to employment in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency;
11. Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate; and
12. The provision of childcare services to an individual who is participating in a community service program.

E. Household members who are exempt from work activity under part A title IV of the Social Security Act or under any other State welfare program, including the welfare-to-work program.

F. Household members receiving assistance, benefits or services under a State program funded under part A title IV of the Social Security Act or under any other State welfare program, including welfare-to-work and who are in compliance with that program.

13.3 NOTIFICATION OF THE REQUIREMENT

The Edwards County Housing Authority shall identify all adult household members who are apparently not exempt from the community service requirement.

The Edwards County Housing Authority shall notify all such household members of the community service requirement and of the categories of individuals who are exempt from the requirement. The notification will provide the opportunity for family members to claim and explain an exempt status. The Edwards County Housing Authority shall verify such claims.

The notification will advise households that their community service obligation will begin on 1/1/2000. For families paying a flat rent, the obligation begins on the date their annual reexamination would have been effective had an annual reexamination taken place. It will also advise them that failure to comply with the community service requirement will result in ineligibility for continued occupancy at the time of any subsequent annual reexamination.

13.4 VOLUNTEER OPPORTUNITIES

Community service includes performing work or duties in the public benefit that serve to improve the quality of life and/or enhance resident self-sufficiency, and/or increase the self-responsibility of the resident within the community. Examples include, but are not limited to volunteer services in local schools, Project Success, day care centers, hospitals, nursing homes, recreation centers, senior citizens centers, food banks, county extension offices, youth or senior citizen organizations, Meals on Wheels programs, Red Cross volunteer programs, or caring for or assisting the elderly, tutoring elementary or high

school age residents, caring for young children in the family while the other parent works full time (if the adult who is employed loses the employment, then both parents must comply with the community service requirement). If the children of the family are removed from the home for any reason, then both parents, if eighteen (18) years of age or older, must comply with the community service requirement. Self-improvement activities such as job training, work placement, GED classes, computer training, adult education, junior college or other formal education, work apprenticeship, or any program necessary to ready participants to work may also be counted as a volunteer community service opportunity.

An economic self-sufficiency program is one that is designed to encourage, assist, train or facilitate the economic independence of participants and their families or to provide work for participants. These programs may include programs for job training, work placement, basic skills training, work fare, apprenticeship, and any program necessary to ready a participant to work. Edwards County Housing Authority does not provide economic self-sufficiency programs.

Restrictions: Political activity of any description cannot be considered to be Community Service nor can engaging in any form of political activity be used to meet the resident's volunteer time requirements. Likewise, attendance at or membership in a PTA, PTO, Lions Club, Masonic Lodge, or any other local service club or fraternal organization cannot be considered to be volunteer work for the purposes of complying with the Community Service requirements.

13.5 THE PROCESS

Upon admission or at the first annual reexamination after October 1, 2003, and each annual reexamination thereafter, the Edwards County Housing Authority will require the following:

- A. Verification of community service/volunteer work signed by a supervisor with the date and time of the work performed, worksheet provided by ECHA.

13.6 NOTIFICATION OF NON-COMPLIANCE WITH COMMUNITY SERVICE REQUIREMENT

The Edwards County Housing Authority will notify any family found to be in noncompliance of the following:

- A. The family member(s) has been determined to be in noncompliance;
- B. That the determination is subject to the grievance procedure; and
- C. That, unless the family member(s) enter into an agreement to comply, the lease will not be renewed or will be terminated;

13.7 OPPORTUNITY FOR CURE

The Edwards County Housing Authority will offer the family member(s) the opportunity to enter into an agreement prior to the anniversary of the lease. The agreement shall state that the family member(s) agrees to contribute to community service for as many hours as needed to comply with the requirement over the past 12-month period. The cure shall occur over the 12-month period beginning with the date of the agreement and the resident shall at the same time stay current with that year's community service requirement. It will state the number of hours that the family member is deficient. The first hours a resident earns go toward the current commitment until the current year's commitment is complete.

If any applicable family member does not accept the terms of the agreement, or falls behind in their obligation under the agreement to perform community service, the Edwards County Housing Authority shall take action to terminate the lease unless the noncompliant family member no longer lives in the unit.

13.8 PROHIBITION AGAINST REPLACEMENT OF AGENCY EMPLOYEES

In implementing the service requirement, the Edwards County Housing Authority may not substitute community service or self-sufficiency activities performed by residents for work ordinarily performed by its employees, or replace a job at any location where residents perform activities to satisfy the service requirement.

14.0 RECERTIFICATIONS

At least annually, the Edwards County Housing Authority will conduct a reexamination of family income and circumstances. The results of the reexamination determine (1) the rent the family will pay, and (2) whether the family is housed in the correct unit size.

14.1 GENERAL

The Edwards County Housing Authority will send a notification letter to the family letting them know that it is time for their annual reexamination.

14.2 FLAT RENTS

- A. Each year at the time of the annual reexamination, the family has the option of selecting a flat rent amount in lieu of completing the reexamination process and having their rent based on the income formula amount.
- B. Families who opt for the flat rent may request to have a reexamination and return to the income-based method at any time for any of the following reasons:
 - 1. The family's income has decreased.

2. The family's circumstances have changed increasing their expenses for childcare, medical care, etc.
3. Other circumstances creating a hardship on the family such that the income method would be more financially feasible for the family.

Once a family returns to the income based method during their “lease year” they cannot go back to a flat rent until their next regular annual reexamination.]

14.3 THE INCOME METHOD

The family will provide all information regarding income, assets, deductions (eligible expenses), and other information necessary to determine the family's share of rent. The family will sign the HUD consent form and other consent forms that later will be mailed to the sources that will verify the family circumstances.

Upon receipt of verification, the Edwards County Housing Authority will determine the family's annual income and will calculate their rent as follows.

The total tenant payment is equal to the highest of:

- A. 10% of the family’s monthly income;
- B. 30% of the family’s adjusted monthly income;
- C. The minimum rent

The family shall be informed of the results of the rent calculation under both the Income Method and the Flat Rent and given their choice of which rent to pay.

14.4 EFFECTIVE DATE OF RENT CHANGES FOR ANNUAL REEXAMINATIONS

The new rent will generally be effective on April 1 of the current year with thirty (30) calendar days notice of any rent increase to the family.

14.5 INTERIM REEXAMINATIONS

During an interim reexamination, only the information affected by the changes being reported will be reviewed and verified.

Families are required to report the following changes to the Edwards County Housing Authority between regular reexaminations. If the family's rent is being determined under the income method, these changes will trigger an interim reexamination. The family shall report these changes within 10 calendar days of their occurrence.

- A. A member has been added to the family through birth or adoption or court-awarded custody.
- B. A household member is leaving or has left the family unit.

In order to add a household member other than through birth, adoption, or court-awarded custody, the family must request that the new member be added to the lease. Before adding the new member to the lease, the individual must complete an application form stating their income, assets, and all other information required of an applicant. The individual must provide their Social Security number if they have one and must verify their citizenship/eligible immigrant status. (Their housing will not be delayed due to delays in verifying eligible immigrant status other than delays caused by the family.) The new family member will go through the screening process similar to the process for applicants. The Edwards County Housing Authority will determine the eligibility of the individual before adding them to the lease. If the individual is found to be ineligible or does not pass the screening criteria, they will be advised and given the opportunity for an informal review. If they are found to be eligible and do pass the screening criteria, their name will be added to the lease. At the same time, if the family's rent is being determined under the income method, the family's annual income will be recalculated taking into account the circumstances of the new family member.

Families are not required to, but may at any time, request an interim reexamination based on a decrease in income, an increase in allowable expenses, or other changes in family circumstances. Upon such request, the Edwards County Housing Authority will take timely action to process the interim reexamination and recalculate the tenant's rent.

14.6 SPECIAL REEXAMINATIONS

If a family's income is too unstable to project for 12 months, including families that temporarily have no income or have a temporary decrease in income, the Edwards County Housing Authority may schedule special reexaminations every 60 days until the income stabilizes and an annual income can be determined.

14.7 EFFECTIVE DATE OF RENT CHANGES DUE TO INTERIM OR SPECIAL REEXAMINATIONS

Unless there is a delay in reexamination processing caused by the family, any rent increase will be effective the first of the second month after the month in which the family receives notice of the new rent amount. If the family causes a delay, then the rent increase will be effective on the date it would have been effective had the process not been delayed (even if this means a retroactive increase).

If the new rent is a reduction and any delay is beyond the control of the family, the reduction will be effective the first of the month after the interim reexamination should have been completed.

If the new rent is a reduction and the family caused the delay or did not report the change in a timely manner, the change will be effective the first of the month after the rent amount is determined.

- 14.9 If the Edwards County Housing Authority makes a mistake in calculating a resident's rent contribution and overcharges the resident the resident shall receive a refund for the mistake going back a maximum of twelve (12) months. The refund shall be given to the resident as soon as practical or credited to the resident's account, whichever the resident desires unless the resident owes the Housing Authority money in which case the debt shall be offset to the degree possible before the resident chooses between the two refund methods.

15.0 UNIT TRANSFERS

15.1 OBJECTIVES OF THE TRANSFER POLICY

The objectives of the Transfer Policy include the following:

- A. To address emergency situations.
- B. To fully utilize available housing resources while avoiding overcrowding by insuring that each family occupies the appropriate size unit.
- C. To facilitate a relocation when required for modernization or other management purposes.
- D. To facilitate relocation of families with inadequate housing accommodations.
- E. To provide an incentive for families to assist in meeting the Edwards County Housing Authority's deconcentration goal, if appropriate.
- F. To eliminate vacancy loss and other expense due to unnecessary transfers.

15.2 CATEGORIES OF TRANSFERS

- A. Transfer of a family from one unit to another of equal or larger size is prohibited when request is based solely on tenant's desire for additional living space, a desire to be closer to another tenant, or other arbitrary reasons. Board policy prohibits transfers from zero-bedroom units to one-bedroom units. Transfers to a larger unit may be made only due to an increase in the size of the family, after the change has been properly documented by means of a marriage license, birth certificate, adoption papers, or similar legal documentation and approved by the PHA, if a suitable unit is available, or when a suitable unit becomes available.

- B. Transfer of a family from one development to another is prohibited, except where the family can adequately demonstrate that failure by management to approve a transfer to another development would create undue physical or financial hardship for the tenant. Tenant must submit to management a written statement, with documentation, that a physical or financial hardship exists, which could be substantially alleviated by a transfer to another development, when the request is made. Management will review the request and documentation and will reply, in writing, within 14 days of submission. If approved, the transfer will be made to another development, if a suitable unit is available, or when a suitable unit becomes available.
- C. Mandatory transfer of a family may be required from a larger to a smaller unit if the size of the family decreases and management deems a smaller unit sufficient to meet the family's needs, if a suitable unit is available or when a suitable unit becomes available. If approved, the family will be notified in writing of the pending transfer, and given 45 days from date of notification to complete the transfer to the assigned unit. If circumstances prevent the family from transferring within 45 days, tenant must request an extension, in writing, for an additional 15 days to complete the transfer, which will be reviewed and approved or denied by management. Failure to comply with management's directive within a total of 60 days from notification of the pending transfer will result in eviction of the family.
- D. Mandatory transfer of a family may be required from a family-section unit to an elderly-section unit when the head of household reaches 62 years of age, if the family is composed of the tenant only, or the tenant and spouse, if a suitable unit is available or when one becomes available. In that case, the family will be notified in writing of the pending transfer, and will be given 45 days from date of notification to complete the transfer to the assigned unit. If circumstances prevent the family from transferring within 45 days, tenant must request an extension, in writing, for an additional 15 days to complete the transfer, which will be reviewed and approved or denied by management. Failure to comply with management's directive within a total of 60 days from notification of the pending transfer will result in eviction of the family.

Transfer requests on the waiting list will be sorted by the above categories and within each category by date and time.

If a family requests a transfer which complies with the PHA's guidelines, and is approved, the family will execute a lease transfer document and pay any rent and/or security deposit within 2 days of being informed the unit is ready to rent. The family will be allowed 7 days to complete a transfer. The family will be responsible for paying rent at the old unit as well as the new unit for any period of time they have possession of both. The prorated rent and other charges (key deposit and any additional security deposit owing) must be paid at the time of lease transfer document execution.

15.3 COST OF THE FAMILY'S MOVE

The cost of the transfer generally will be borne by the family in the following circumstances:

- A. When the transfer is made at the request of the family or by others on behalf of the family (i.e. by the police);
- B. When the transfer is needed to move the family to an appropriately sized unit, either larger or smaller;
- C. When the transfer is necessitated because a family with disabilities needs the accessible unit into which the transferring family moved (The family without disabilities signed a statement to this effect prior to accepting the accessible unit);
or
- D. When the transfer is needed because action or inaction by the family caused the unit to be unsafe or uninhabitable.

The responsibility for moving costs in other circumstances will be determined on a case-by-case basis.

15.4 TENANTS IN GOOD STANDING

When the transfer is at the request of the family, it will not be approved unless the family is in good standing with the Edwards County Housing Authority. This means the family must be in compliance with their lease. The family must have a history of on-time payment of rents and all other charges. The family must be current in all payments to the Housing Authority, and have no past due balance. The family must pass a housekeeping inspection.

15.5 TRANSFER REQUESTS

A tenant may request a transfer at any time by completing an application. In considering the request, the Edwards County Housing Authority may request a meeting with the tenant to better understand the need for transfer and to explore possible alternatives. The Edwards County Housing Authority will review the request in a timely manner and if a meeting is desired, it shall contact the tenant within 10 business days of receipt of the request to schedule a meeting.

If the transfer is approved, the family's name will be added to the transfer waiting list.

15.6 RIGHT OF THE EDWARDS COUNTY HOUSING AUTHORITY IN TRANSFER POLICY

The provisions listed above are to be used as a guide to insure fair and impartial means of assigning units for transfers. It is not intended that this policy will create a property right or any other type of right for a tenant to transfer or refuse to transfer.

16.0 INSPECTIONS

A written statement of the condition of the premises will be made, all equipment will be provided, and the statement will be signed by both parties with a copy retained in the Edwards County Housing Authority file and a copy given to the family member. An authorized Edwards County Housing Authority representative will inspect the premises at the time the resident vacates and will furnish a statement of any charges to be made provided the resident turns in the proper notice under State law. The resident's security deposit can be used to offset any Edwards County Housing Authority costs to repair damages to the unit.

16.1 ANNUAL INSPECTIONS

The Edwards County Housing Authority will inspect each public housing unit annually to ensure that each unit meets the Edwards County Housing Authority's housing standards. Work orders will be submitted and completed to correct any deficiencies.

16.2 PREVENTATIVE MAINTENANCE INSPECTIONS

This is generally conducted along with the annual inspection. This inspection is intended to keep items in good repair. It checks weatherization; checks the condition of the smoke detectors, water heaters, furnaces, automatic thermostats and water temperatures; checks for leaks; and provide other minor servicing that extends the life of the unit and its equipment.

16.3 SPECIAL INSPECTIONS

A special inspection may be scheduled to enable HUD or others to inspect a sample of the housing stock maintained by the Edwards County Housing Authority.

16.4 HOUSEKEEPING INSPECTIONS

Generally, at the time of annual reexamination, or at other times as necessary, the Edwards County Housing Authority will conduct a housekeeping inspection to ensure the family is maintaining the unit in a safe and sanitary condition.

16.5 NOTICE OF INSPECTION

For inspections defined as annual inspections, preventative maintenance inspections, special inspections, and housekeeping inspections the Edwards County Housing Authority will give the tenant at least 2 calendar days written notice.

16.6 EMERGENCY INSPECTIONS

If any employee and/or agent of the Edwards County Housing Authority has reason to believe that an emergency exists within the housing unit, the unit can be entered without notice. The person(s) that enters the unit will leave a written notice to the resident that indicates the date and time the unit was entered and the reason why it was necessary to enter the unit.

16.7 MOVE-OUT INSPECTIONS

The Edwards County Housing Authority conducts the move-out inspection after the tenant vacates to assess the condition of the unit and determine responsibility for any needed repairs. This inspection becomes the basis for any claims that may be assessed against the security deposit.

17.0 PET POLICY

17.1 APPLICATION

Edwards County Housing Authority leases, which are dated prior to January 1, 2001, contain a no-pet clause. However, due to changes in federal regulations, it is now permissible to allow pets in the developments provided the Edwards County Housing Authority has been notified, has issued written approval (a pet permit) to the resident, all required documentation has been submitted to the Housing Authority, and the pet deposit has been paid. This policy refers to cats and dogs; approval is not required for birds in a cage or fish in an aquarium. **All other animals are prohibited.**

This policy does not apply to animals that are used to assist persons with disabilities. Assistive animals are allowed in all public housing facilities with no restrictions other than those imposed on all tenants to maintain their units and associated facilities in a decent, safe, and sanitary manner, and to refrain from disturbing their neighbors.

When making application for a pet permit, Residents must provide the following documentation prior to ECHA issuing a pet registration permit:

1. Evidence that the pet has been spayed or neutered, as applicable;
2. Evidence that the pet has received current rabies and distemper inoculations or boosters, as applicable;
3. The name and phone number of their pet's regular veterinarian.
4. The name of an alternate custodian who will care for the pet in the

event of resident's illness, death, or absence from the unit.

5. A picture of the animal so it can be identified if it is running loose.

Eligible residents must be physically capable of caring for the animal, or have made arrangements to have regular daily help, to ensure the animal is neither neglected nor allowed to cause damage or other problems.

In exchange for the right to keep a pet, the resident assumes full responsibility and liability for the pet and agrees to hold the Edwards County Housing Authority harmless from any claims caused by an action or inaction of the pet.

17.2. *PET DEPOSIT*

A pet deposit of \$375 for dogs or \$200 for cats (in addition to the prevailing rent security deposit) must be paid at the time of registering a pet. The amended pet deposit takes effect October 1, 1999. Elderly or disabled residents who paid a lower pet deposit prior to October 1, 1999 will not be required to pay an additional deposit for the pet they owned before that date. If an elderly or disabled resident pet owner should lose his or her current pet for any reason, and then obtain another animal after 10/01/99, the \$375 pet deposit will apply to the new pet. The deposit is refundable, without interest, when the pet or the family vacates the unit, less any amounts owed due to damage caused by the pet. The pet deposit may be amended from time to time to reflect increases in repair costs or other changes, as necessary.

17.3 *TYPES AND NUMBER OF PETS AND GENERAL RULES*

A. NUMBER

1. Only one pet per household will be permitted.

B. TYPES

1. Permitted pets are domesticated dogs, cats, fish and birds (except those prohibited by State or Federal law).
2. The weight of the dog or cat, when fully grown, may not exceed 20 pounds and the adult height, at the shoulder, of both dogs and cats may not exceed 12 inches.
3. Vicious and/or intimidating dogs or cats, including attack or fight-trained dogs, will not be allowed as pets, and any pet, which becomes vicious or threatening, must be permanently removed from the resident's premises. The following breeds will automatically be excluded from EDWARDS COUNTY Housing Authority:

- a. Pit Bull
- b. Doberman Pinscher
- c. Rottweiler
- d. German Shepherd
- e. Chow

C. MISCELLANEOUS RULES

1. All dogs and cats must be spayed or neutered as applicable. All pets obtained as puppies or kittens must be spayed or neutered by age 6 months for females and by age 9 months for males, and proof of sterilization submitted to the office within 14 days thereafter.
2. A bird must be confined to a cage at all times, the cage cleaned regularly, and the bird properly cared for. Fish bowls or aquariums must be kept clean and sanitary and the water changed as needed. Snakes are not allowed on Housing Authority property.
3. Residents must identify an alternate custodian for pets in the event of resident's illness, death, or other absence from the dwelling unit prior to the Edwards County Housing Authority issuing a pet registration permit, and gives the Edwards County Housing Authority permission to contact the alternate custodian and to place the pet in his or her care.
4. No guest may bring a pet or pets into a unit or onto Edwards County Housing Authority property.
6. Pets must be on a leash at all times inside the unit when it is necessary for ECHA or HUD personnel or their assigned representatives to enter the unit.
7. Pets must be housebroken.
8. The Pet Policy and the rules contained therein will become a part of the lease agreement between the Housing Authority and the resident pet owner, and shall override and be superior to any conflicting provision that may be contained in the original lease between the Edwards County Housing Authority and the resident.
9. Pet bedding shall not be washed in any common laundry facilities.
10. Residents must take appropriate actions to protect their pets from fleas and ticks.
11. Pets cannot be kept or used for any commercial purpose.

This Pet Policy and the rules it contains may be amended from time to time, as necessary, by the Edwards County Housing Authority and such amendments shall be binding on the residents upon notice thereof.

D. Residents Who Violate These Rules or any part of the Pet Policy Are Subject to:

1. Being required to permanently remove the pet from the leased premises within 14 days of written notice by the Housing Authority; and/or
2. Eviction. PET RULE VIOLATION PROCEDURES are posted in the Edwards County Housing Authority office.

F. The privilege of maintaining a pet in a facility owned and/or operated by the Edwards County Housing Authority shall be subject to rules set forth in this Policy. This privilege may be revoked at any time should the pet become destructive, create a nuisance, represent a threat to the safety, health and security of other residents, or create a problem in the area of cleanliness and sanitation.

G. A breach of any of the foregoing rules constitutes a breach of the resident's lease and can result not only in the revocation of the privilege of keeping a pet, but may result in any of the sanctions set forth in the resident's lease for breach thereof, including forfeiture of further leasehold rights and termination of the lease. Further, the resident is subject to State and local Animal Control Statutes. The election of a remedy by the Edwards County Housing Authority for a resident's breach of the foregoing rules is not exclusive and the Edwards County Housing Authority may thereafter pursue any of the various remedies set forth in the lease as the ECHA may, at its discretion, choose.

H. The Housing Authority's grievance procedures shall be applicable to all individual grievances or disputes arising out of violations or alleged violations of this policy.

17.4 INOCULATIONS

Prior to being registered by the PHA, dogs and cats must be appropriately inoculated against rabies and other conditions prescribed by State and/or local ordinances, and the resident must provide proof of the inoculations.

The resident must also provide proof of annual rabies and Distemper booster inoculations at the time of each annual rent re-examination.

17.5 FINANCIAL OBLIGATION OF RESIDENTS

Any resident who owns or keeps a pet in their dwelling unit will be required to pay for any damages caused by the pet. Also, any pet-related insect infestation in the pet owner's

unit, including the cost of fumigation or other pest treatment of the unit, will be the financial responsibility of the pet owner and the Edwards County Housing Authority reserves the right to exterminate and charge the resident if the Housing Authority believes a need has been shown.

17.6 NUISANCE OR THREAT TO HEALTH OR SAFETY

Pets must be housebroken.

The pet and its living quarters must be kept clean and maintained in a manner to prevent odors and any other unsanitary conditions in the owner's unit and surrounding areas.

Residents shall not permit their pet to disturb, interfere with, or diminish the peaceful enjoyment of other residents. The terms “disturb, interfere with and diminish” shall include, but not be limited to, barking, growling, howling, loud chirping or screeching, biting, scratching, threatening and other similar activities.

Pets who make noise continuously and/or incessantly for a period of 10 minutes, or intermittently for one-half hour or more to the disturbance of any person at any time of day or night shall be considered a nuisance.

Any pet that bites or causes harm to any person must be permanently removed from the resident’s premises, within 24 hours after notification by the Housing Authority. The pet owner may also be subject to termination of his/her dwelling lease.

Three (3) substantiated complaints by neighbors or Edwards County Housing Authority personnel regarding pets disturbing the peace of neighbors through noise, odor, animal waste, or other nuisance will result in the owner having to remove the pet or face eviction. Such complaints shall be documented and a record kept on file.

17.7 DESIGNATION OF PET AREAS

Pets must be kept in the owner's apartment and kept on a leash at all times when outside (no outdoor cages may be constructed). Pet owners must clean up after their pets and are responsible for disposing of pet waste. With the exception of assistive animals, no pets shall be allowed in lobby areas, laundry rooms, community rooms, hallways or offices at any of the ECHA’s sites. Assistive animals, when in any of the restricted areas, must be leashed or otherwise properly restrained by means of a harness, etc. and in full control of the person assisted. No animals will be allowed to run free in yards or other common areas of the facility.

1. When taken outside the unit, dogs and cats must be kept on a leash, and controlled by an **ADULT**.

1. Residents shall make no alterations to their leased unit, porch areas, or yard areas, including installing fences or dog pens, in order to create an enclosure for any pet.

17.8 REMOVAL OF PETS

The Edwards County Housing Authority, or an appropriate community authority, shall require the removal of any pet from a project if the pet's conduct or condition is determined to be a nuisance or threat to the health or safety of other occupants of the project or of other persons in the community where the project is located.

If any pet is left unattended for a period of 24 hours or more, the Edwards County Housing Authority may enter the dwelling unit, remove the pet and transfer it to the proper authorities, subject to the provisions of the Illinois State Law and pertinent local ordinances. The Housing Authority accepts no responsibility for the animal under such circumstance.

If evidence is found that the pet is being seriously neglected (not being given sufficient food or water, subjected to excessive heat or cold, etc.) or physically abused, the Housing Authority will notify the proper authorities of the fact.

Denials by a resident that any dog or cat, which has been seen by an Edwards County Housing Authority employee or reported to the PHA staff by other residents or persons living nearby, as belonging to that resident shall be investigated by HA staff. If proof of the resident's ownership of the pet can be verified, the resident will be required, within 15 days of notification to pay the Edwards County Housing Authority pet deposit, sign the Pet Policy, and provide all documentation demanded by this policy, provided the pet meets all qualifying standards as to size, breed, etc.

If the following conditions exist:

1. The animal does not conform to this policy's breed & size requirements;
2. Resident refuses to claim ownership of said animal; or
3. If resident refuses to pay the pet deposit and submit all required proofs of immunization for rabies, and distemper, spaying or neutering, and any other documentation required;

the animal in question will be apprehended and turned over to local animal control officers or otherwise appropriately disposed of.

Any animal which has been seen inside a resident's apartment on at least one occasion, or has been seen spending time in the immediate vicinity outside a resident's apartment on 3 or more occasions shall be deemed by the Edwards County Housing Authority to belong to that resident. Therefore it shall be the resident's responsibility to prohibit the entry of animals other than his/her own into their apartments and to actively discourage the presence of any animal that does not belong to them from spending time in their yards. If

necessary to accomplish that objective, the resident will be responsible for calling the local animal control officer to ask to have the alleged stray animal picked up as soon as it is seen in the area. Contacting the animal control officer is not the responsibility of the housing authority.

18.0 REPAYMENT AGREEMENTS

When a resident owes the Edwards County Housing Authority back charges and is unable to pay the balance by the due date, the resident may request that the Edwards County Housing Authority allow them to enter into a Repayment Agreement. The Edwards County Housing Authority has the sole discretion of whether to accept such an agreement. All Repayment Agreements must be in writing and signed by both parties. Failure to comply with the Repayment Agreement terms may subject the Resident to eviction procedures.

19.0 TERMINATION

19.1 TERMINATION BY TENANT

The tenant may terminate the lease at any time upon submitting a 15-day written notice. Tenant's failure to submit a 15-day Notice to Vacate will result in automatic forfeiture of the security deposit.

19.2 TERMINATION BY THE HOUSING AUTHORITY

Twelve months after the Edwards County Housing Authority has implemented the mandated Community Service Requirement, it will not renew the lease of any non-exempt family that is not in compliance with the community service requirement or approved Agreement to Cure. If they do not voluntarily leave the property, eviction proceedings will begin.

The Edwards County Housing Authority will terminate the lease for serious or repeated violations of material lease terms. Such violations include but are not limited to the following:

- A. Nonpayment of rent or other charges, such as excess utility, late charges, maintenance charges, etc.;
- B. A history of late rental payments;
- C. Failure to provide timely and accurate information regarding family composition, income circumstances, or other information related to eligibility or rent;

- D. Failure to allow inspection of the unit;
- E. Failure to maintain the unit in a safe and sanitary manner inside and outside the unit, to keep trash bagged and removed from the premises to a properly designated trash receptacle, and to keep stored items in a designated area and stored in an orderly and safe manner;
- F. Assignment or subletting of the premises;
- G. Use of the premises for purposes other than as a dwelling unit (other than for housing authority approved resident businesses);
- H. Destruction of property;
- I. Acts of destruction, defacement, or removal of any part of the premises or failure to cause guests to refrain from such acts;
- J. Any criminal activity on the property or drug-related criminal activity on or off the premises. This includes but is not limited to the manufacture of methamphetamine on the premises of the Edwards County Housing Authority or any other federally assisted housing;
 1. Any tenant found by the Edwards County Housing Authority to have been evicted from any housing authority within the past 5-year period for any drug-related activity will be automatically evicted from public housing.
 2. Any tenant found by the Edwards County Housing Authority to have a record of investigation, arrest, conviction or jail/prison incarceration, by any recognized law-enforcement agency, in connection with any drug-related activity, will be automatically denied occupancy or evicted from public housing.
 3. Any tenant determined by the ECHA to be illegally engaged in any drug-related activity will be automatically evicted from public housing.
- K. The use, display, or possession (unless required by lawful employment) anywhere on housing authority property, by tenant, any member of tenant's household, or any guest or person under the control of tenant, of any firearm, operable or inoperable, or other offensive weapon, as defined by the laws and courts of the State of Illinois, including, but not limited to: bombs, switchblade knife, dagger, billy club, blackjack, or metal knuckles, or any object which is being used to intimidate or cause bodily harm to another person, such as a baseball bat, soda bottle, beer/liquor bottle, large piece of broken glass, etc. It shall be a violation of this Lease if a resident, household member, guest, or person under the resident's control do any of the following on HA property:

1. Carry intentionally and unlawfully about his/her person a weapon
 2. Display a weapon in connection with a verbal or non-verbal threat of bodily harm without legal justification
 3. Shoot, fire, explode, throw, or otherwise discharge a weapon
 4. Inflict any injury upon another person through the intentional use of a weapon without legal justification
 5. Inflict any injury upon another person through reckless, careless, or negligent use of a weapon
 6. Damage any property through reckless, careless, or negligent use of a weapon
- L. Failure to ensure that all members of tenant's household between the ages of 7 years and 16 years of age, living in the leased premises, attends school regularly, in accordance with the laws of the State of Illinois,
- M. Non-compliance with Non-Citizen Rule requirements;
- N. Permitting persons not on the lease to reside in the unit more than 14 calendar days each year without the prior written approval of the Housing Authority; and
- O. Issuance by the Edwards County Housing Authority of the third Eviction Notice within any calendar year, irregardless of the fact that tenant paid overdue rent charges subsequent to receiving the first and second Eviction Notices;
- P. Alcohol use or abuse, when such use or abuse leads to behavior which threatens the health, safety, welfare, or right to peaceful enjoyment of the premises by other tenants, or the consumption or possession of alcoholic beverages upon any public way or place, including sidewalks, parking lots, playgrounds, lawns and doorstoops.
- Q. A history of criminal activity of tenant or any member of tenant's household involving crimes of violence to persons or property or a record of other criminal or non-criminal acts, including the use, whether on or off housing authority property, of a controlled substance, being a convicted felon, a paroled felon, or an accused felon who has been released on bond or bail. Parolee's will not be allowed to be paroled from prison to Edwards County Housing Authority nor will they be allowed to live in the authority for five years after their release from prison. Further, the housing authority may evict based on the "preponderance of evidence" existing against a tenant in cases where no arrest or conviction has taken place.
- R. Gang membership or affiliation, or gang-related activity, including the wearing of gang-related clothing and haircuts, gang-related hand signs, gang-related graffiti and any other specific gang-related activity by the tenant or any member of tenant's household. The definition shall also include the intentional adoption of a certain manner of dress, haircuts, actions, hand signs, graffiti, or other behavior

which is intended to cause others to believe the participant is a gang member, irregardless of actual gang membership, for the purposes of coercion or intimidation of housing authority residents and/or persons living nearby.

- S. Allowing unauthorized person(s), not listed on the lease, to stay in unit.
- T. Consuming liquor, beer, wine, and/or mixed drinks served in unmarked glasses or other containers, as well as alcoholic beverages which are served in labeled cans or bottles in playground area or anywhere on PHA property, with the exception of inside the individual dwellings units.
- U. Other good cause.

If an individual or family's lease is terminated for criminal activity, the Edwards County Housing Authority will notify the local post office serving the development that the individual or family no longer lives there.

In deciding to terminate a tenancy for criminal activity or alcohol abuse, the Edwards County Housing Authority will consider circumstances relevant to the particular case such as the seriousness of the offending action, the extent of participation by the leaseholder in the offending action, the effects that the eviction would have on family members not involved in the offending activity, and the extent to which the leaseholder has shown personal responsibility and has taken all reasonable steps to prevent or mitigate the offending action.

In deciding to terminate a tenancy for criminal activity or alcohol abuse, the Edwards County Housing Authority will require a leaseholder to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for an action or failure to act that warrants the termination.

The Edwards County Housing Authority will take immediate action to evict any household that includes an individual who is subject to a lifetime registration requirement under a State sex offender registration program.

19.3 TERMINATIONS FOR CRIMINAL ACTIVITY

- A. The term "due process determination" means a determination by HUD that law covering Edwards County Housing Authority's jurisdiction requires that residents must be given the opportunity for a hearing in court which provides the basic elements of due process before eviction from the dwelling unit.
- B. HUD has issued a due process determination that the law of this State requires that residents be given the opportunity for a hearing in a court that provides the basic elements of due process before eviction from a dwelling unit. The Edwards County Housing Authority has therefore determined that this

Grievance Procedure shall not be applicable to any termination of tenancy or eviction for:

1. Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the Edwards County Housing Authority's public housing premises by other residents or employees of the Housing Authority;
2. Any violent or drug-related criminal activity on or off such premises; or
3. Any activity resulting in a felony conviction.

19.4 ABANDONMENT

The Edwards County Housing Authority will consider a unit to be abandoned when a resident has both fallen behind in rent, AND has clearly indicated by words or actions an intention not to continue living in the unit.

When a unit has been abandoned, an Edwards County Housing Authority representative may enter the unit and remove any abandoned property. A representative will notify the tenant if Edwards County Housing Authority has information available to contact the tenant. The abandoned items/property the Edwards County Housing Authority will then dispose of items.

19.5 RETURN OF SECURITY DEPOSIT

After a family moves out, the Edwards County Housing Authority will return the security deposit within 30 calendar days or give the family a written statement of why all or part of the security deposit is being kept. For return of the security deposit the rental unit must be restored to the same conditions as when the family moved in, except for normal wear and tear. Deposits will not be used to cover normal wear and tear or damage that existed when the family moved in. The security deposit will be held until the tenant moves out and will be returned, **IF THE FOLLOWING CONDITIONS ARE MET:**

- A. There is no unpaid rent or other charges for which the tenant is liable.
- B. The apartment, personal property and all equipment have been left reasonably clean, operable and tenant has removed all trash and debris.
- C. There has been no breakage or damage, which is not due to normal wear.
- D. All keys, issued to the tenant, were turned in to the management office when the tenant vacated the apartment.
- E. Tenant has provided the PHA with his/her forwarding address.

- F. Tenant has given written 15-day notice of Intent to Vacate. Failure by tenant to provide management with a written “Notice of Intent to Vacate” at least 15 days prior to moving out after tenant has fulfilled the one (1) year lease requirement of the unit will result in automatic forfeiture of tenant’s security deposit. Tenant should request a form for that purpose from the PHA office.
1. In the event tenant forfeits his/her security deposit by reason of failure to notify management 15 days in advance of vacating the unit, said forfeited security deposit shall be applied to move-out charges, if any, in the following order:
 - a. repair costs for any damage(s) done to the leased unit by tenant, his family or guests. Costs for out-of-the-ordinary cleaning caused by tenant’s poor housekeeping habits and/or removal of abandoned furniture and/or personal possessions of tenant.
 - b. any unpaid rent balance outstanding on tenant’s move-out date.
2. In the event that tenant’s security deposit does not cover the full costs of the above listed charges, the tenant will be billed the remaining costs for repairs, cleaning, etc.

The Edwards County Housing Authority will be considered in compliance with the above if the required payment, statement, or both, are deposited in the U.S. mail with first class postage paid within 30 calendar days.

20.0 GRIEVANCE PROCEDURES

20.1 *RIGHT TO A HEARING*

Upon the filing of a written request as provided in these procedures, a resident shall be entitled to a hearing before a Hearing Officer.

20.2 *PROCEDURES PRIOR TO A HEARING*

Any grievance shall be promptly and personally presented, either orally or in writing, to the Edwards County Housing Authority office in which the resident resides so that the grievance may be discussed informally and settled without a hearing. A summary of such discussion shall be prepared within fourteen (14) calendar days and one copy shall be given to the resident and one retained in the Authority's resident file. The summary shall specify the names of the participants, dates of the meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore, and shall specify the procedures by which a hearing under these procedures may be obtained if the resident is not satisfied.

20.3 REQUEST FOR HEARING

The resident shall submit a written request for a hearing to the Authority within fourteen (14) calendar days from the date of the mailing of the summary of the discussion pursuant to section 20.2. The written request shall specify:

- A. The reasons for the grievance; and
- D. The action or relief sought.

20.4 SELECTION OF A HEARING OFFICER

A grievance hearing shall be conducted by an impartial person appointed by the Edwards County Housing Authority other than a person who made or approved the action under review or a subordinate of such person.

The Edwards County Housing Authority shall annually submit a list of prospective hearing officers. This list shall be provided to any existing resident organization(s) for such organization's comments or recommendations. The Edwards County Housing Authority shall consider any comments or recommendations by a resident organization.

From this list, a hearing officer shall be selected.

20.5 FAILURE TO REQUEST A HEARING

If the resident does not request a hearing in accordance with this section, then the Edwards County Housing Authority's disposition of the grievance under section 20.2 shall become final. However, failure to request a hearing does not constitute a waiver by the resident of the right thereafter to contest the Edwards County Housing Authority's action in disposing of the complaint in an appropriate judicial proceeding.

20.6 HEARING PREREQUISITE

All grievances shall be promptly presented in person, either orally or in writing, pursuant to the informal procedure prescribed in section 20.2 as a condition precedent to a hearing under this Section. However, if the resident can show good cause why there was failure to proceed in accordance with section 20.2 to the Hearing Officer, the provisions of this subsection may be waived by the Hearing Officer.

20.7 ESCROW DEPOSIT

Before a hearing is scheduled in any grievance involving the amount of rent as defined in the lease which the Edwards County Housing Authority claims is due, the resident shall pay to the Edwards County Housing Authority an amount equal to the amount of the rent due and payable as of the first of the month preceding the month in which the act or

failure to act took place. The resident shall thereafter deposit monthly the same amount of the monthly rent in an escrow account held by the Edwards County Housing Authority until the complaint is resolved by decision of the Hearing Officer. Amounts deposited into the escrow account shall not be considered as acceptance of money for rent during the period in which the grievance is pending. In extenuating circumstances, the Edwards County Housing Authority may waive these requirements. Unless so waived, the failure to make such payments shall result in a termination of the grievance procedure. However, failure to make payment shall not constitute a waiver of any right the resident may have to contest the Edwards County Housing Authority's disposition of his grievance in any appropriate judicial proceeding.

If a grievance concerns the denial of a financial hardship exemption from the minimum rent requirement or the effect of welfare benefit reductions in the calculation of family income, the requirement for an escrow deposit is waived.

20.8 SCHEDULING OF HEARINGS

Upon the resident's compliance with this section the Hearing Officer shall promptly schedule a hearing for a time and place reasonably convenient to both the resident and the Edwards County Housing Authority. A written notification specifying the time, place and the procedures governing the hearing shall be delivered to the resident and the appropriate agency official.

20.9 PROCEDURES GOVERNING THE HEARING

The resident shall be afforded a fair hearing, which shall include:

- A. The opportunity to examine before the grievance hearing any Authority documents, including records and regulations that are directly relevant to the hearing. The resident shall be provided a copy of any such document at the resident's expense. If the Edwards County Housing Authority does not make the document available for examination upon request by the resident, the Edwards County Housing Authority may not rely on such document at the grievance hearing.
- B. The right to be represented by counsel or other person chosen as the resident's representative and to have such person make statements on the resident's behalf;
- C. The right to a private hearing unless the resident requests a public hearing;
- D. The right to present evidence and arguments in support of the resident's complaint, to controvert evidence relied on by the Authority or development management, and to confront and cross examine all witnesses upon whose testimony or information the Edwards County Housing Authority or development management relies; and

- E. A decision based solely and exclusively upon the facts presented at the hearing.

The Hearing Officer may render a decision without holding a hearing if the Hearing Officer determines that the issue has been previously decided at another hearing.

If either the resident or Authority fails to appear at a scheduled hearing, the Hearing Officer may postpone the hearing for up to five business days or determine that the missing party has waived their right to a hearing. Both the Edwards County Housing Authority and the resident shall be notified of the Hearing Officer's decision. This decision shall not waive a resident's right to contest the disposition of the grievance in an appropriate judicial proceeding.

The following accommodation will be made for persons with disabilities:

- A. The Edwards County Housing Authority shall provide reasonable accommodations for persons with disabilities to participate in the hearing. Reasonable accommodations may include readers, accessible locations, or attendants.
- B. If the resident is visually impaired, any notice to the resident that is required by these procedures must be in an accessible format.

20.10 INFORMAL HEARING PROCEDURES FOR DENIAL OF ASSISTANCE ON THE BASIS OF INELIGIBLE IMMIGRATION STATUS

The participant family may request that the Edwards County Housing Authority provide for an informal hearing after the family has notification of the INS decision on appeal, or in lieu of request of appeal to the INS. The participant family must make this request within 30 days of receipt of the *Notice of Denial or Termination of Assistance*, or within 30 days of receipt of the INS appeal decision.

20.11 DECISION OF THE HEARING OFFICER

The Hearing Officer shall prepare a written decision, together with the reasons therefore, within fourteen (14) calendar days after the hearing. A copy of the decision shall be sent to the resident and the Edwards County Housing Authority. The Authority shall retain a copy of the decision in the resident's folder. A copy of such decision with all names and identifying references deleted shall also be maintained on file by the Edwards County Housing Authority and made available for inspection by a prospective complainant, his or her representative, or the Hearing Officer.

The decision of the Hearing Officer shall be binding on the Edwards County Housing Authority who shall take all actions, or refrain from any actions, necessary to carry out the decision unless the Edwards County Housing Authority's Board of Commissioners

determines within reasonable time, and promptly notifies the complainant of its determination, that:

- A. The grievance does not concern Edwards County Housing Authority action or failure to act in accordance with or involving the resident's lease or Authority regulations, which adversely affect the resident's rights, duties, welfare or status;
- B. The decision of the Hearing Officer is contrary to applicable Federal, State, or local law, Authority regulations, or requirements of the Annual Contributions Contract between the Authority and the U.S. Department of Housing and Urban Development.

A decision by the Hearing Officer or Board of Commissioners in favor of the Edwards County Housing Authority or which denies the relief requested by the resident in whole or in part shall not constitute a waiver of, nor affect in any manner whatsoever, any rights the resident may have to a trial do novo or judicial review in any judicial proceedings, which may thereafter be brought in the matter.

21.0 ANTI-FRAUD POLICY

The Edwards County Housing Authority is fully committed to combating fraud in its public housing program. It defines fraud as a single act or pattern of actions that include false statements, the omission of information, or the concealment of a substantive fact made with the intention of deceiving or misleading the Edwards County Housing Authority. It results in the inappropriate expenditure of public housing funds and/or a violation of public housing requirements.

Although there are numerous different types of fraud that may be committed, the two most common are the failure to fully report all sources of income and the failure to accurately report who is residing in the residence. The Edwards County Housing Authority shall aggressively attempt to prevent all cases of fraud.

When a fraudulent action is discovered, the Edwards County Housing Authority shall take action. It shall do one or more of the following things depending on circumstances and what it determines appropriate:

- A. Require the resident to immediately repay the amount in question;
- B. Require the resident to enter into a satisfactory repayment agreement as set forth in a previous section of this Policy;
- C. Terminate the resident's tenancy;
- D. Refer the case for criminal prosecution; or

- E. Take such other action, as the Edwards County Housing Authority deems appropriate.

GLOSSARY

50058 Form: The HUD form that housing authorities are required to complete for each assisted household in public housing to record information used in the certification and re-certification process and, at the option of the housing authority, for interim reexaminations.

1937 Housing Act: The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (24 CFR 5.100)

Adjusted Annual Income: The amount of household income, after deductions for specified allowances, on which tenant rent is based. (24 CFR 5.611)

Adult: A household member who is 18 years or older or who is the head of the household, or spouse, or co-head. An emancipated minor is also considered an adult. In the anti-drug portions of this policy, it also refers to a minor who has been convicted of a crime as an adult under any Federal, State or tribal law.

Allowances: Amounts deducted from the household's annual income in determining adjusted annual income (the income amount used in the rent calculation). Allowances are given for elderly families, dependents, medical expenses for elderly and disabled families, disability expenses, and child care expenses for children under 13 years of age. Other allowance can be given at the discretion of the housing authority.

Annual Contributions Contract (ACC): The written contract between HUD and a housing authority under which HUD agrees to provide funding for a program under the 1937 Act, and the housing authority agrees to comply with HUD requirements for the program. (24 CFR 5.403)

Annual Income: All amounts, monetary or not, that:

- A. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member; or
- B. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- C. Are not specifically excluded from annual income.

Annual Income also includes amounts derived (during the 12-month period) from assets to which any member of the family has access. (1937 Housing Act; 24 CFR 5.609)

Applicant (applicant family): A person or family that has applied for admission to a program but is not yet a participant in the program. (24 CFR 5.403)

As-Paid States: States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs. Currently, the four as-paid States are New Hampshire, New York, Oregon, and Vermont.

Assets: The value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles are not counted as assets. (Also see "net family assets.")

Asset Income: Income received from assets held by family members. If assets total more than \$5,000, income from the assets is "imputed" and the greater of actual asset income and imputed asset income is counted in annual income. (See "imputed asset income" below)

Assistance applicant: A family or individual that seeks admission to the public housing program.

Business Days: Days the housing authority is open for business.

Complainant: Any resident whose grievance is presented to the Edwards County Housing Authority or at the development management office in accordance with sections 3.0 and 4.0 of this procedure.

Ceiling Rent: Maximum rent allowed for some units in public housing developments under the income method of calculating rent.

Certification: The examination of a household's income, expenses, and family composition to determine the family's eligibility for program participation and to calculate the family's share of rent.

Child: For purposes of citizenship regulations, a member of the family other than the family head or spouse who is under 18 years of age. (24 CFR 5.504(b))

Child Care Expenses: Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for childcare. In the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income. (24 CFR 5.603(d))

Citizen: A citizen or national of the United States. (24 CFR 5.504(b))

Community service: The performance of voluntary work or duties that are a public benefit and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not employment and may not include political activities.

Complainant: Any resident whose grievance is presented to the Edwards County Housing Authority or at the development management office in accordance with section 20.0 of this procedure.

Consent Form: Any consent form approved by HUD to be signed by assistance applicants and participants for the purpose of obtaining income information from employers and SWICAs, return information from the Social Security Administration, and return information for unearned income from the Internal Revenue Service. The consent forms may authorize the collection of other information from assistance applicants or participant to determine eligibility or level of benefits. (24 CFR 5.214)

Covered Families: Families who receive welfare assistance or other public assistance benefits (“welfare benefits”) from a State or other public agency (“welfare agency”) under a program for which Federal, State, or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance.

Currently engaging in: With respect to behavior such as illegal use of a drug, other drug-related criminal activity, or other criminal activity, currently engaging in means that the individual has engaged in the behavior recently enough to justify a reasonable belief that the individual’s behavior is current.

Decent, Safe, and Sanitary: Housing is decent, safe, and sanitary if it satisfies the applicable housing quality standards.

Department: The Department of Housing and Urban Development. (24 CFR 5.100)

Dependent: A member of the family (except foster children and foster adults), other than the family head or spouse, who is under 18 years of age or is a person with a disability or is a full-time student. (24 CFR 5.603(d))

Dependent Allowance: An amount, equal to \$480 multiplied by the number of dependents, that is deducted from the household's annual income in determining adjusted annual income.

Disability Assistance Expenses: Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source. (24 CFR 5.603(d))

Disability Assistance Expense Allowance: In determining adjusted annual income, the amount of disability assistance expenses deducted from annual income for families with a disabled household member.

Disabled Family: A family whose head, spouse, or sole member is a person with disabilities; two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides. (24 CFR 5.403(b)) (Also see "person with disabilities.")

Disabled Person: See "person with disabilities."

Displaced Family: A family in which each member, or whose sole member, is a person displaced by governmental action (such as urban renewal), or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws. (24 CFR 5.403(b))

Displaced Person: A person displaced by governmental action or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws. (*1937 Housing Act*)

Drug-Related Criminal Activity: Drug trafficking or the illegal use, or possession for personal use, of a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802).

Economic self-sufficiency program: Any program designed to encourage, assist, train or facilitate the economic independence of HUD-assisted families or to provide work for such families. These programs include programs for job training, employment counseling, work placement, basic skills training, education, workfare, apprenticeship and any program necessary to ready a participant for work or other work activities.

Elderly Family: A family whose head, spouse, or sole member is a person who is at least 62 years of age; two or more persons who are at least 62 years of age living together; or one or more persons who are at least 62 years of age living with one or more live-in aides. (24 CFR 5.403)

Elderly/Disabled Family Allowance: For elderly families, an allowance of \$400 is deducted from the household's annual income in determining adjusted annual income.

Elderly Person: A person who is at least 62 years of age. (*1937 Housing Act*)

Elements of Due Process: An eviction action or a termination of tenancy in a State or local court in which the following procedural safeguards are required:

1. Adequate notice to the resident of the grounds for terminating the tenancy and for eviction;
2. Right of the resident to be represented by counsel;
3. Opportunity for the resident to refute the evidence presented by the Authority including the right to confront and cross examine witnesses and to present any affirmative legal or equitable defense which the resident may have; and
4. A decision on the merits.

Extremely low-income families: Those families whose incomes do not exceed 30% of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30% of the median income for the area if HUD finds that such variations are necessary because of the unusually high or low family incomes.

Fair Housing Act: Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 et seq.). (24 CFR 5.100)

Family includes but is not limited to:

- A. A family with or without children;
- B. An elderly family;
- C. A near-elderly family;
- D. A disabled family;
- E. A displaced family;
- F. The remaining member of a tenant family; and
- G. A single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family. (24 CFR 5.403)

Family Members: All members of the household other than live-in aides, foster children, and foster adults. All family members permanently reside in the unit, though they may be temporarily absent. All family members are listed on the lease.

Family Self-Sufficiency Program (FSS Program): The program established by a housing authority to promote self-sufficiency among participating families, including the coordination of supportive services. (24 CFR 984.103(b)) Edwards County Housing Authority does not have this program.

Flat Rent: A rent amount the family may choose to pay in lieu of having their rent determined under the income method. The flat rent is established by the housing authority set at the lesser of the market value for the unit or the cost to operate the unit. Families selecting the flat rent option have their income evaluated once every three years, rather than annually.

Full-Time Student: A person who is attending school or vocational training on a full-time basis as defined by the institution.

Grievance: Any dispute which a resident may have with respect to the EDWARDS COUNTY Housing Authority's action or failure to act in accordance with the individual resident's lease or Authority regulations which adversely affect the individual resident's rights, duties, welfare or

status. Grievance does not include any dispute a resident may have with the Authority concerning a termination of tenancy or eviction that involves any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the Authority's public housing premises by other residents or employees of the Authority; or any violent or drug-related criminal activity on or near such premises. Nor shall this process apply to disputes between residents not involving the Edwards County Housing Authority or to class grievances.

Guest: Means a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

Head of Household: The adult member of the family who is the head of the household for purposes of determining income eligibility and rent. (24 CFR 5.504(b))

Hearing Officer: A person selected in accordance with section 4.0 of these procedures to hear grievances and render a decision with respect thereto.

Household Members: All members of the household including members of the family, live-in aides, foster children, and foster adults. All household members are listed on the lease, and no one other than household members are listed on the lease.

Housing Assistance Plan: A housing plan that is submitted by a unit of general local government and approved by HUD as being acceptable under the standards of 24 CFR 570.

Imputed Income: For households with net family assets of more than \$5,000, the amount calculated by multiplying net family assets by a HUD-specified percentage. If imputed income is more than actual income from assets, the imputed amount is used as income from assets in determining annual income.

Imputed Welfare Income: The amount of annual income not actually received by a family, as a result of a welfare benefit reduction for welfare fraud or the failure to comply with economic self-sufficiency requirements, that is nonetheless included in the family's annual income for purposes of determining rent.

In-Kind Payments: Contributions other than cash made to the family or to a family member in exchange for services provided or for the general support of the family (e.g., groceries provided on a weekly basis, baby sitting provided on a regular basis).

Income Method: A means of calculating a family's rent based on the greater of 10% of their monthly income, 30% of their adjusted monthly income, the welfare rent, or the minimum rent. Under the income method, rents may be capped by a ceiling rent. Under this method, the family's income is evaluated at least annually.

Interim (examination): A reexamination of a family income, expenses, and household composition conducted between the regular annual recertifications when a change in a household's circumstances warrants such a reexamination.

Live-In Aide: A person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities and who:

- A. Is determined to be essential to the care and well-being of the persons;
- B. Is not obligated for the support of the persons; and
- C. Would not be living in the unit except to provide the necessary supportive services. (24 CFR 5.403(b)) A live-in aide is not a party to the lease.

Low-Income Families: Those families whose incomes do not exceed 80% of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 80% of the median for the area on the basis of HUD findings that such variations are necessary because of unusually high or low family incomes. (1937 Housing Act)

Medical Expenses: Medical expenses (of all family members of an elderly or disabled family), including medical insurance premiums, that are anticipated during the period for which annual income is computed and that are not covered by insurance. (24 CFR 5.603(d)). These expenses include, but are not limited to, prescription and non-prescription drugs, costs for doctors, dentists, therapists, medical facilities, care for service animals, transportation for medical purposes.

Mixed Family: A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status. (24 CFR 5.504(b))

Monthly Adjusted Income: One twelfth of adjusted income. (24 CFR 5.603(d))

Monthly Income: One twelfth of annual income. (24 CFR 5.603(d))

National: A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession. (24 CFR 5.504(b))

Near-Elderly Family: A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides. (24 CFR 5.403(b))

Net Family Assets:

- A. Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.

- B. In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income.

- C. In determining net family assets, housing authorities or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefor. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms. (24 CFR 5.603(d))

Non-Citizen: A person who is neither a citizen nor national of the United States. (24 CFR 5.504(b))

Occupancy Standards: The standards that a housing authority establishes for determining the appropriate number of bedrooms needed to house families of different sizes or composition.

Other person under the tenant's control: For the purposes of the definition of covered person it means the person, although not staying as a guest (as defined in this section) in the unit, is, or was at the time of the activity in question, on the premises (as premises is defined in this section) because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not under the tenant's control.

Participant: A family or individual that is assisted by the public housing program.

Permanently absent: A person or persons not actually residing in the unit who once lived there and does not intend to return. One becomes permanently absent when one vacates the unit.

Person with Disabilities: A person who:

- A. Has a disability as defined in Section 42 U.S. C.

- B. Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
 - 1. Is expected to be of long-continued and indefinite duration;
 - 2. Substantially impedes his or her ability to live independently; and

3. Is of such a nature the ability to live independently could be improved by more suitable housing conditions, or

C. Has a developmental disability as defined in Section 42 U.S.C.:

This definition does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome.

For the purposes of qualifying for low-income housing, it does not include a person whose disability is based solely on any drug or alcohol dependence.

Premises: for purposes of the anti-drug provisions of this policy it means the building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds.

Previously unemployed: This includes a person who has earned, in the 12 months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

Processing Entity: The person or entity that is responsible for making eligibility and related determinations and an income reexamination. In the Section 8 and public housing programs, the processing entity is the responsibility entity.

Promptly: (as used in section 23.0, and 24.0 (D)), within the time period indicated in a notice from Edwards County Housing Authority of a proposed action which would provide the basis for a grievance if the resident has received a notice of a proposed action from the agency.

Proration of Assistance: The reduction in a family's housing assistance payment to reflect the proportion of family members in a mixed family who are eligible for assistance. (24 CFR 5.520)

Public Housing: Housing assisted under the 1937 Act, other than under Section 8, Public Housing includes dwelling units in a mixed-finance project that are assisted by a PHA with capital or operating funds.

Public Housing Agency (PHA): Any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof), which is authorized to engage in or assist in the development or operation of low-income housing under the 1937 Housing Act. (24 CFR 5.100)

Recertification: The annual reexamination of a family's income, expenses, and composition to determine the family's rent.

Remaining Member of a Tenant Family: A member of the family listed on the lease who continues to live in the public housing dwelling after all other family members have left. (Handbook 7565.1 REV-2, 3-5b.).

Responsible Entity:

- A. For the public housing program, the Section 8 tenant based assistance program (24 CFR 982), the Section 8 project-based certificate or voucher program (24 CFR 983), and the Section 8 moderate rehabilitation program (24 CFR 882), responsible entity means the PHA administering the program under an ACC with HUD;
- B. For all other Section 8 programs, responsible entity means the Section 8 project owner.

Resident: The adult person (or persons) other than a live-in aide:

- 1. Who resides in the unit and who executed the lease with the Edwards County Housing Authority as lessee of the premises, or, if no such person now resides in the premises,
- 2. Who resides in the unit and who is the remaining head of household of the resident family residing in the unit.

Resident Organization: includes a resident management corporation.

Self-Declaration: A type of verification statement by the tenant as to the amount and source of income, expenses, or family composition. Self-declaration is acceptable verification only when third-party verification or documentation cannot be obtained.

Shelter Allowance: That portion of a welfare benefit (e.g., TANF) that the welfare agency designates to be used for rent and utilities.

Single Person: Someone living alone or intending to live alone who does not qualify as an elderly family, a person with disabilities, a displaced person, or the remaining member of a tenant family. (Public Housing: Handbook 7465.1 REV-2, 3-5)

Specified Welfare Benefit Reduction:

- A. A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self sufficiency program.
- B. “Specified welfare benefit reduction: does not include a reduction or termination of welfare benefits by the welfare agency:
 - 1. at the expiration of a lifetime or other time limit on the payment of welfare benefits;

2. because of family member is not able to obtain employment, even though the family member has complied with the welfare agency economic self-sufficiency or work activities requirements: or
3. because a family member has not complied with other welfare agency requirements

State Wage Information Collection Agency (SWICA): The State agency receiving quarterly wage reports from employers in the State or an alternative system that has been determined by the Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information. (24 CFR 5.214)

Temporary Assistance to Needy Families (TANF): The program that replaced the Assistance to Families with Dependent Children (AFDC) that provides financial assistance to needy families who meet program eligibility criteria. Benefits are limited to a specified time period.

Temporarily absent: A person or persons not actually residing in a unit for a period of time while still maintaining control of the unit. If the absence exceeds 14 calendar days, the Housing Authority must agree to the absence.

Tenant: The person or family renting or occupying an assisted dwelling unit. (24 CFR 5.504(b))

Tenant Rent: The amount payable monthly by the family as rent to the housing authority. Where all utilities (except telephone) and other essential housing services are supplied by the housing authority or owner, tenant rent equals total tenant payment. Where some or all utilities (except telephone) and other essential housing services are supplied by the housing authority and the cost thereof is not included in the amount paid as rent, tenant rent equals total tenant payment less the utility allowance. (24 CFR 5.603(d))

Third-Party (verification): Written or oral confirmation of a family's income, expenses, or household composition provided by a source outside the household.

Total Tenant Payment (TTP):

- A. Total tenant payment for families whose initial lease is effective on or after August 1, 1982:
 1. Total tenant payment is the amount calculated under Section 3(a)(1) of the 1937 Act which is the higher of:
 - a. 30% of the family's monthly adjusted income;
 - b. 10% of the family's monthly income; or
 - c. If the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the family's actual housing costs, is specifically designated by

such agency to meet the family's housing costs, the portion of such payments which is so designated.

If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under section 3(a)(1) shall be the amount resulting from one application of the percentage.

2. Total tenant payment for families residing in public housing does not include charges for excess utility consumption or other miscellaneous charges.

B. Total tenant payment for families residing in public housing whose initial lease was effective before August 1, 1982: Paragraphs (b) and (c) of 24 CFR 913.107, as it existed immediately before November 18, 1996), will continue to govern the total tenant payment of families, under a public housing program, whose initial lease was effective before August 1, 1982.

Utility Allowance: If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made by a housing authority of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment. (24 CFR 5.603)

Utility Reimbursement: The amount, if any, by which the utility allowance for the unit, if applicable, exceeds the total tenant payment for the family occupying the unit. (24 CFR 5.603)

Very Low-Income Families: Families whose incomes do not exceed 50% of the median family income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 50% of the median for the areas if HUD finds that such variations are necessary because of unusually high or low family incomes.

Violent criminal activity: means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

Welfare Assistance: Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State or local governments (including assistance provided under the Temporary Assistance for Needy Families (TANF) program, as that term is defined under the implementing regulations issued by the Department of Health and Human Services at 45 CFR 260.31).

45 CFR 260.31 defines the term “assistance” to include cash, payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs (i.e., for food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses).

It includes such benefits even when they are:

- A. Provided in the form of payments by a TANF agency, or other agency on its behalf, to individual recipients; and
- B. Conditioned on participation in work experience or community service (or any other work activity under 45 CFR 261.30).

Except where excluded later in this definition, it also includes supportive services such as transportation and childcare provided to families who are not employed.

The term “assistance” excludes:

- A. Nonrecurrent, short-term benefits that:
 - 1. Are designed to deal with a specific crisis situation or episode of need;
 - 2. Are not intended to meet recurrent or ongoing needs; and
 - 3. Will not extend beyond four months.
- B. Work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training);
- C. Supportive services such as child care and transportation provided to families who are employed;
- D. Refundable earned income tax credits;
- E. Contributions to, and distributions from, Individual Development Accounts;
- F. Services such as counseling, case management, peer support, childcare information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support; and
- G. Transportation benefits provided under a Job Access or Reverse Commute project, pursuant to section 404(k) of the Act, to an individual who is not otherwise receiving assistance.

Welfare Rent: In "as-paid" welfare programs, the amount of the welfare benefit designated for shelter and utilities.

Written notification: All written notifications required in this policy shall be hand delivered with a signed receipt or mailed via first class mail unless specified otherwise.

ACRONYMS

ACC	Annual Contributions Contract
CFR	Code of Federal Regulations
FSS	Family Self Sufficiency (program)
HCDA	Housing and Community Development Act
HQS	Housing Quality Standards
HUD	Department of Housing and Urban Development
INS	(U.S.) Immigration and Naturalization Service
NAHA	(Cranston-Gonzalez) National Affordable Housing Act
NOFA	Notice of Funding Availability
OMB	(U.S.) Office of Management and Budget
PHA	Public Housing Agency
QHWRA	Quality Housing and Work Responsibility Act of 1998
SSA	Social Security Administration
TTP	Total Tenant Payment

Appendix I

Income Limits

INCOME LIMITS FOR ADMISSION

<u>NO. OF PERSONS</u>	<u>VERY LOW INCOME</u>	<u>LOW INCOME</u>
1	\$17,100	\$27,350
2	19,500	31,250
3	21,950	35,150
4	24,400	39,050
5	26,350	42,150
6	28,300	45,300
7	30,250	48,400
8	32,200	51,500